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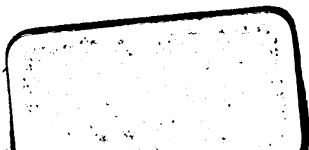
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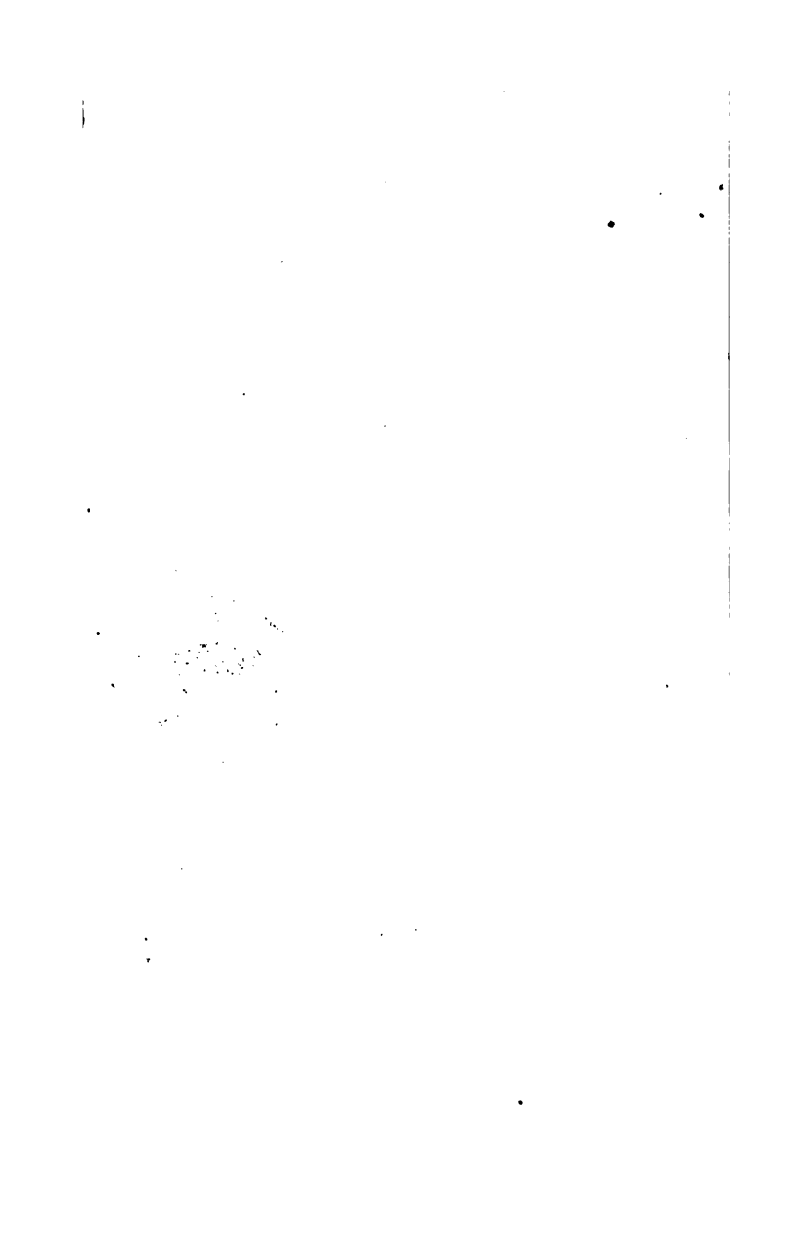
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THE  
**P O O R   L A W S,**  
AS THEY WERE,  
AND AS THEY ARE;  
OR  
THE RECENT ALTERATIONS  
IN  
*The Poor Laws,*

*By the Statute 4 & 5 William IV. Cap. 76.*

WITH THE REASONS FOR THOSE ALTERATIONS,  
PLAINLY STATED:

SHOWING

1. THE OLD LAW;
2. THE PRESENT LAW; AND
3. THE GROUNDS, AND ANTICIPATED EFFECT  
OF THE NEW ENACTMENTS.



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By JAMES N. MAHON, Esq.

OF THE MIDDLE TEMPLE, BARRISTER AT LAW.

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LONDON:  
PRINTED FOR THOMAS HURST;  
65, ST. PAUL'S CHURCH-YARD.

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1835.

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**G. H. Davidson, Printer and Stereotype-Founder,  
Tulor Street, New Bridge Street, Blackfriars.**

## PREFACE.

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**THE** important Statute, which passed both Houses of Parliament towards the close of last Session, trenched deep on the legislation of three centuries ; bearing a sweeping change into the administration of the poor laws, as founded under Elizabeth, and brought down by successive enactments to the present day. Without advocating any rash legislation, or giving the name of reform to every ill-digested novelty, it must be admitted that a change was imperative : the dark tide of pauperism was rising to flood height, and menaced with inundation the



whole land. The startling sum of seven millions and upwards, annually exacted in the shape of poor rates—an exaction still increasing;—Whole parishes choked with idle and demoralized paupers;—Able-bodied men, in the vigour of health and youth, housed and fed by thousands, with their families, on the contributions of industry and toil;—Workhouses not scenes of temperance and labour, or a refuge for the impotent and decayed, but filled with sloth, intemperance, and vice;—The impositions and givings in the shape of out-of-door relief, too generally without distress or merit;—Then the labour-rate system, and the monstrous plan, first begun in 1794, of bolstering up the wages of agricultural labourers by weekly additions from the poor-rates;—All foreign to the principle of the poor laws, repugnant to the leading statute of Elizabeth, and a gross perversion of

the funds that should give work to those capable of labour, and relief to the aged, lame, the impotent, and blind.—Add to this dark train, the complication of Settlements, the constant hardship and oppression of removals, with the enormous amount of litigation and expense, consequent on parish contention and appeals;—and we see a congregated mass of evils and abuses, loudly calling for legislative correction. Then, if ridicule could blend with any thing so appalling, behold the administration of this vast complex system, and its funds, vested generally in persons, as parish officers, chosen, not from the reputable and intelligent portion of the community, but too often from the most vulgar, ignorant, and corrupt;—Individuals either decayed in means, brutal in manners, or corrupt in principle. In such hands rested, in numerous places, the government of

the poor, the management of whole parishes, and the administration of the immense sums levied as poor rates. This mass of evil had been long accumulating; it was the vicious growth of mal-government for years. All the attempts yet made to correct or eradicate these abuses were encountered by prejudice so powerful, and the temptations still to fly to the same resource, as the most prompt and certain remedy, were so great, that individual effort became paralyzed, and the flood of corrupted pauperism still swept on. A state of things so perilous might well affright the strongest nerves. It was a devouring cancer, eating into the vitals of the state, a terrible scourge undermining the morality and consuming the resources of the country. The landholder saw no bounds to pauperism; after decimating his income, it threatened to swallow his estates. The farmer was

whelmed by the pressure, and abandoned cultivation and land. The manufacturer found his industry clogged by exactions without limits, and the discharge of workmen produced fresh paupers. The householders of many parishes were assessed fifteen and twenty shillings to the pound, on the rent of their tenements, and resigned their dwellings in despair. A crisis had, in fact, arrived, of wide-spread alarm from one end of England to the other. To palliate longer was impossible. Some remedy was demanded; and neither the Government or Legislature, with any sense of duty, could be blind to the danger, or insensible to the call. A commission of inquiry, in consequence, issued, and the investigation appears to have been fully and impartially made. The report of the Commissioners, fortified by a body of evidence, as important as appalling, was the basis of legislative change; and the remedial

statute, 4 & 5 Will. 4, "for the Amendment and better Administration of the Laws relating to the Poor," was, for weal, or woe, as time shall exemplify, the result.

Already the tide of prejudice runs high against the change, and the outcry, though partial, is loud. Power of any sort is seldom parted but with reluctance, and the transfer of parish power to other hands, than those that held a long monopoly, raises no kindly feelings. But strong diseases require strong remedies. No sane or reflecting man in England, could regard the progress of pauperism, or the abuses of the system, and say that things could remain as they were. Without arguing the principle, whether a compulsory provision for the poor, is not only in itself pernicious, but has a direct and necessary tendency to increase the very evil it was meant to cure, we may fairly reason on its results;

These results are not now a matter of speculation, but of certainty. They are before the eyes of all, and those who run may read. First, individuals become systematically trained to expect relief, as a matter of right, as soon as they are qualified by poverty to claim it, and the connexion which nature has established between economy and independence, and between improvidence and want, is in their minds impaired, or altogether destroyed.—Secondly, where public charity can be claimed as a legal right, the feelings of kindred, and the sympathies of benevolence, are chilled and withered, and the Parish becomes, instead, the debasing resort.—Thirdly, the consequence of this, is not merely that a preparation is artificially made for increasing the numbers of the poor, but that they are much less comfortably relieved, and that the moral character of the whole of

the lower population is debased and injured. In their prosperity they are profuse—in their adversity, instead of falling into the arms of friends, or kindred, they find themselves deserted—And in place of asking relief from that genuine mercy which “blesses him that gives, and him that takes,” they demand it, with defying and ungrateful hardness of heart, as their legal due—And, fourthly, though the smallest of the evils which mark such a scene, still it is an evil of no inconsiderable magnitude, that this deviation from the natural system is attended with prodigious and unnecessary expense, not merely the expense of what is strictly requisite for the poor, but of all that waste and misapplication which is sure to attend the distribution of public funds, by a great number of individuals, acting without concert, regulation, or responsibility. Under a well-regulated

system, the legitimate poor of England might probably be maintained for less than three millions annually, while the expense, in later years, has risen to the startling amount of Eight millions Sterling !

That much may be effected by well-directed firmness and effort, experience already proves ; —the sensible reforms, and decrease of pauperism, thus accomplished in several parishes, are the best test of what may be done by unity of purpose and system. Much has been declaimed and written, on the high and unprecedented powers vested in the Central Board of Commissioners ; But if these powers were necessary, and that without them any hope of reform were vain, and if no reasonable presumption exist, that these powers can or will be abused, what warrants the outcry, or where is the danger ? The individuals, to whom these



powers are entrusted, but with strong controlling checks, are men of high character and station. What object can they have to abuse the trust committed to their hands, or why bring odium upon themselves, by any acts of oppression? The multiplied evils and abuses of years cannot be reformed within a few weeks, or months: time for that end is essential. But within half the period limited by the statute, we hope to see effected a salutary and sensible reform, hailed and acknowledged by all impartial men.

Having written so much, the object of this publication may be shortly stated. It is to show, as concisely and intelligibly as possible, what, previous to the passing of the late important act, for the amendment and better administration of the poor laws, were the text and spirit of those portions of former statutes,

which have been altered or repealed by the new enactment. Essential changes have been made, and the reason for those changes are given, in the long and able report of the Commissioners of inquiry, with the body of evidence attached to the report. Such selections have been made as bear upon each subject, and account for the repeal of former enactments, and the partial amendment of others. Instead of pursuing the new act consecutively throughout, the principal subjects are classed under distinct heads, and the law as it previously stood, and as it now exists, is fully and clearly stated. A practice of some years at Sessions, and a necessary acquaintance with the laws relating to the poor, have given the Author of this work some qualification for the task. During the progress of the bill through Parliament, he was attentive to its details,

and has carefully read all the evidence collected on the subject. Though the legislature did not deem it expedient to go the full length of all the changes recommended by the Commissioners, yet some most essential ones have been made. The subject is one of deep importance to the welfare of the Country, and of equal interest to every class of its inhabitants. Some pains and industry have been devoted to these pages. If found even partially useful, the Author will feel fully compensated for his labours.

17, *New Boswell Court, April, 1835.*

J. N. M.

## THE POOR LAWS,

AS THEY WERE, AND AS THEY ARE.

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On the 14th of August, 1834, was passed the Statute entitled "An Act for the amendment and better administration of the Laws relating to the Poor in England and Wales," authorizing the appointment of a Central Board, as a permanent authority for superintending the operation of the Poor Laws, with power to such Board to make general rules, orders, and regulations for the management of the poor, to establish unions of parishes, control the building, &c. of workhouses. It alters the mode of relieving the poor (especially the able-bodied); repeals some, and modifies others, of the modes of *Settlement*; alters the *Bastardy Laws*, the powers of *Removal*, &c. &c.

### 1. GROUNDS FOR THE APPOINTMENT OF A CENTRAL BOARD.—ITS APPOINTMENT, POWERS, &c.

The grounds for the establishment of a Central Board may be stated generally to have been as follows :—that no legislative enactments can be relied on as self-acting, because they will be inefficiently executed or perverted, from—

1.—The want of appropriate knowledge on the part of the Distributors, or Annual Officers.

2.—The short duration of their authority.

3.—The division of their authority.

4.—The inadequacy of their motives to support a correct administration.

5.—The strength of their interests in abusive administration.

6.—Intimidation on the part of rate-receivers.

“That there would be much able and correct administration of any law (says the Report) which the legislature might pass, we entertain no doubt, since we find much ability, and often eminent ability, displayed in the administration of the existing system; neither do we doubt that the number of cases of voluntary improvement would greatly increase; but the evidence collected proves, that whilst the good example of one parish is rarely followed in the surrounding parishes, bad examples are contagious, and possess the elements of indefinite extension. The instances presented to us of the defeat of former legislation by unforeseen obstacles, and often by an administration directly at variance with the plainly-expressed will of the legislature, have forced us to distrust the operation of the clearest enactments, and even to apprehend unforeseen mischiefs from them, unless an especial agency be appointed, to superintend and control their execution.

“While we find, on the one hand, that there is scarcely one statute, connected with the administration of public relief, which has produced the effect designed by the legislature, and that the majority of them have created new evils, and aggravated those which they were intended to prevent, we find, on the other hand, that the obstacles to the due execution by the existing functionaries, of any new legislative measure, are greater than they have ever been. The interests of individuals in mal-administration are stronger; the interests in checking abuses proportionately weaker; and the dangers to person and

property from any attempts to effect the intention of the statute of Elizabeth, are greater than any penalties by which the law might be attempted to be enforced.

“While there is no province of administration for which more peculiar knowledge is requisite, than the relief to the indigent, there is no province from which such knowledge is more effectually excluded. At present the experience which guides the administration of relief is limited to the narrow bounds of a parish, or to a year of compulsory service. The common administration is founded on blind impulse, or on impressions derived from a few individual cases; when the only safe action must be regulated by extensive inductions, or general rules derived from large classes of cases, which the annual officer has no means of observing. The influence of the information and skill which any officer may acquire, may be destroyed by other officers with whom his authority is divided, and though he may prevail, it usually departs with him when he surrenders his office.

“Such being the qualifications essential to the performance of parochial offices, in devising any new legislative measures, it would be necessary to guard, not only against adverse interests, but against the actual incapacity of the persons usually filling such offices.”

“Persons engaged in trade have represented the management of parochial affairs to be analogous to the management of a bankrupt’s estate by creditors, where, although each creditor has an interest in the good management of the estate, yet, as the particular creditors who were appointed assignees, had not an interest sufficient to incite them to exertions which necessarily interfered with their other and stronger interests, no estates were ever so extensively mismanaged, or so frequently abandoned to plunder, until a special and responsible agency was appointed

for their protection. The common fallacy in which the management by overseers, that is, by two or three persons, is treated as a management by the people of the 'people's own affairs,' and an 'attention to their own interests,' (meaning the affairs and interests of some hundreds of thousands of other persons) may be exposed by a slight examination of the evidence. The private interests of the distributors of the rates are commonly at variance with their public duties, and the few pounds, often the few shillings, which any parish officer could save to *himself*, by the rigid performance of his duty, cannot turn the scale against the severe labour, the certain ill-will, and now, in a large proportion of cases, the danger to person and property, all of which act on the side of profusion."

"We must anticipate that the existing interests, passions, and local habits of the parish officers will, unless some further control be established, continue to sway and to vary the administration of the funds for the relief of the indigent; and that whatever extent of discretion is left to the local officers, will be used in conformity to those existing interests and habits."

"The circumstances which tend gradually to drive discreet and trustworthy persons from voluntarily undertaking the management of the poor's rates, leave it in fact either to compulsory service, performed by officers whose authority is transient, who have no appropriate knowledge, and whose only interest is to get through their service with the least personal inconvenience to themselves, or to voluntary service by persons who have either a strong private interest, or who are actuated by ardent feelings. If such feelings are well directed, they produce indeed the best effects, but in ill-disciplined minds, they may be more injurious than the basest self-interest. Many of the most respectable parochial officers have urged the ne-

cessity of withdrawing from themselves, and from their associates and successors, all discretionary power in the distribution of relief, declaring that while it lasts they *dare* not pursue the course which they deem the most beneficial."

A recommendation that the legislature should divest the local authorities of all discretionary power in the administration of relief, follows as a necessary consequence.

The new Act authorizes, therefore, the appointment of a Central Board,\* and prescribes its title, powers, &c. by the following sections:—

*Appointment and Removal of Commissioners.*

I. Whereas it is expedient to alter and amend the laws relating to the relief of poor persons in England and Wales: Be it therefore enacted, that it shall be lawful for His Majesty, his heirs and successors, by warrant under the royal sign-manual, to appoint *three* fit persons to be commissioners to carry this act into execution,† and also, from time to time, at pleasure, to remove any of the commissioners for the time being, and upon every or any vacancy in the said number of commissioners, either by removal, death, or otherwise, to appoint some other fit person to the said office; and until such appointment, it shall be lawful for the sur-

\* The Central Board has been appointed, and is thus composed;—*Chief commissioner*, Thomas Frankland Lewis, Esq.; *Junior commissioners*, Messrs. Lefevre and Nicholls; *Secretary*, Mr. Edwin Chadwick.

† The appointment of commissioners by this act is limited to five years, and thenceforth to the end of the next session of parliament, at the expiration of which time, so much of the statute as enables his majesty to appoint commissioners, shall cease. A future provision will probably be made, however, continuing the board and the power of appointment; otherwise this act must be inoperative in its leading provisions.



viving or continuing commissioners or commissioner to act as if no such vacancy had occurred.

*Style of Commissioners, who may sit as a Board, with power to summon and examine witnesses, &c., but not to inquire into any title.*

II. That the said commissioners shall be styled "The Poor Law Commissioners for England and Wales;" and the said commissioners, or any two of them may sit, from time to time, as a board for carrying this act into execution; and the said commissioners are hereby empowered, by summons under their hands and seal, to require the attendance of all such persons as they may think fit to call before them upon any question or matter connected with or relating to the administration of the laws for the relief of the poor, and also to make any inquiries and require any answer or returns as to any such question or matter, and also to administer oaths, and examine all such persons upon oath, and to require and enforce the production upon oath of books, contracts, agreements, accounts, and writings, or copies thereof respectively, in anywise relating to any such question or matter; or, in lieu of requiring such oath as aforesaid, the said commissioners may, if they think fit, require any such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined: Provided always, that no such person shall be required, in obedience to any such summons, to go or travel more than ten miles from the place of his abode: Provided also, that nothing herein contained shall extend or be deemed to extend to authorize or empower the said commissioners to act as a court of record, or to require the production of the title, or of any papers or writings relating to the title of any lands, tenements, or hereditaments not being the property of any parish or union.

*To have a Common Seal.—Rules, &c. purporting to be sealed with such Seal to be received as Evidence.*

III. That the said commissioners shall cause to be

made a seal of the said board, and shall cause to be sealed or stamped therewith all rules, orders, and regulations made by the said commissioners in pursuance of this act; and all such rules, orders, and regulations, or copies thereof, purporting to be sealed or stamped with the seal of the said board, shall be received as evidence of the same respectively, without any further proof thereof; and no such rule, order, or regulation, or copy thereof, shall be valid, or have any force or effect, unless the same shall be so sealed or stamped as aforesaid.

*Commissioners to record their Proceedings.*

IV. That the said commissioners shall make a record of their proceedings, in which shall be entered in writing a reference to every letter received, from whence, its date, the date of its reception, and the subject to which it relates, and a minute of every letter written or order given by the said commissioners, whether in answer to such letters received or otherwise, with the date of the same, and a minute of the opinion of each of the members of the board of commissioners, in case they should finally differ in opinion upon any order to be given or other proceeding of the board; and such record shall be submitted to one of his Majesty's principal secretaries of state once in every year, or as often as he shall require the same.

*Commissioners to make a general Report to the Secretary of State yearly.*

V. That the said commissioners shall, once in every year, submit to one of the principal secretaries of state a general report of their proceedings; and every such general report shall be laid before both houses of parliament within six weeks after the receipt of the same by such principal secretary of state, if parliament be then sitting, or if parliament be not sitting, then within six weeks after the next meeting thereof.

*And to report Proceedings to Secretary of State when required.*

VI. That the said commissioners shall from time to time, at such times as one of his majesty's principal secretaries of state shall direct, give to the principal secretary of state requiring the same, such information respecting their proceedings, or any part thereof, as the said principal secretary of state shall require.

*Power to appoint Assistant Commissioners ; and to remove the same.—Not more than Nine to be appointed, without consent of Treasury.*

VII. That the said commissioners are hereby empowered from time to time to appoint such persons as they may think fit to be assistant commissioners for carrying this act into execution, at such places and in such manner as the said commissioners may direct, and to remove such assistant commissioners, or any of them, at their discretion, and on every or any vacancy in the said office of assistant commissioner, by removal or by death or otherwise, to appoint, if they see fit, some other person to the said office: Provided always, that it shall not be lawful for the said commissioners to appoint more than nine such assistant commissioners to act at any one time, unless the lord high treasurer, or the commissioners of his majesty's treasury for the time being, or any three or more of them, shall consent to the appointment of a greater number.

*Commissioners not to sit in Parliament.*

VIII. That no commissioner or assistant commissioner appointed as aforesaid shall, during his continuance in such appointment, be capable of being elected, or of sitting as member of the House of Commons.

*Commissioners to appoint Secretary, Assistant-Secretary, or Secretaries, Clerks, and other Officers.*

IX. That the said commissioners are hereby empowered from time to time to appoint a secretary, assistant-secretary or secretaries, and all such clerks, messengers,

and officers, as they shall deem necessary, and from time to time, at the discretion of the said commissioners, to remove such secretary, &c., and to appoint others in their stead: Provided always, that the amount of the salaries of such secretary, assistant-secretaries, &c., shall from time to time be regulated by the lord high treasurer, or the commissioners of his majesty's treasury, or any three or more of them.

*Appointment of Commissioners, &c., limited to Five Years.*

X. That no commissioner to be appointed by his majesty, nor any assistant-commissioner, secretary, or other officer, or person to be appointed by the said commissioners, under and by virtue of the provisions of this act, shall continue to hold his respective office, or exercise any of the powers given by this act, for a longer period than five years, next after the day of the passing of this act, and thenceforth until the end of the next session of Parliament; and after the expiration of the said period of five years, and of the then next session of Parliament, so much of this act as enables his majesty to appoint any commissioner or commissioners shall cease to operate, or have any effect whatever.

*Commissioners and Assistant-Commissioners to take Oath—Form of Oath—Notification of Appointment of Commissioners to be sent to the Clerks of the Peace.*

XI. That every commissioner and assistant-commissioner to be appointed as aforesaid, shall, before he shall enter upon the execution of his office, take the following oath before one of the Judges of his majesty's courts of King's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say,) "I, A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, execute and fulfil all the powers and duties of a commissioner (or assistant commissioner, *as the case may be,*) under an act passed in the fifth year of the reign of King William the Fourth; intituled [*here set forth the title of this act.*]

And the appointment of every such commissioner and assistant commissioner, together with the time when, and the judge or baron before whom, he shall have taken the oath aforesaid, shall be forthwith published in the London Gazette; and a notification of such appointment, and of the taking of such oath, shall from time to time be sent under the hands and seal of the said commissioners, to the clerk of the peace of every county in England and Wales, who shall, as soon as conveniently may be, cause the same to be advertised once in some newspaper published or circulated in such county; and such notification shall be kept and preserved by such clerk of the peace, with the records of such county.

*Commissioners may delegate powers to assistant commissioners, and revoke them.—Assistant commissioners may summon persons and examine them upon oath, &c.*

XII. That it shall be lawful for the said commissioners to delegate, to their assistant commissioners, or to any of them, such of the powers and authorities, hereby given to the said commissioners, (except the powers to make general rules,) as the said commissioners shall think fit; and the powers and authorities so delegated, and the delegation thereof, shall be notified in such manner, and such powers and authorities shall be exercised at such places, for such periods, under such circumstances, and subject to such regulations, as the said commissioners shall direct; and the said commissioners may at any time revoke, recall, alter, or vary, all or any of the powers and authorities, which shall be so delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made, and the said commissioners are hereby empowered to summon before them such persons as they may think necessary, for the purpose of being examined upon oath, (which oath they are empowered to administer) upon any question or matter relating to the poor, or their relief, or for the purpose of producing and verifying upon oath, any books, contracts, agreements, accounts,

and writings, or copies of the same, in anywise relating to such question or matter, and not relating to or involving any question of title to any lands, tenements, or hereditaments, not being the property of any parish or union, as such assistant commissioners shall think fit, but so that no such person shall be required, in obedience to any such summons, to go or travel more than ten miles from the place of his abode: Provided, nevertheless, that in lieu of such oath, the said assistant commissioners may, if they think fit, require such person to make and subscribe a declaration of the truth of the matters examined into; and all summonses and orders made by any such assistant commissioner, in exercise of such delegated powers, shall be obeyed, performed, and carried into effect by all persons, as if such summonses or orders had been the summonses or orders of the said commissioners, and the breach, nonobservance, or nonperformance thereof, shall be punishable in like manner.

*Persons giving false Evidence guilty of Perjury ; refusing to attend, &c. guilty of Misdemeanor.*

XIII. That if any person, upon any examination under the authority of this act, shall wilfully and corruptly give false evidence, he shall be deemed guilty of perjury, and if any person shall make or subscribe a false declaration, he shall, on being convicted thereof, suffer the pains and penalties of perjury; and if any person shall wilfully refuse to attend in obedience to any summons of any commissioner or assistant commissioner, or to give evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be so required to be produced before the said commissioners or assistant commissioners, every person so offending shall be deemed guilty of a misdemeanor.

*Reasonable Expenses of Witnesses to be paid, and by whom.*

XIV. That it shall be lawful for the said commis-

sioners, in any case where they shall see fit, to order and allow such expenses of witnesses, and of or attending the production of any books, contracts, agreements, accounts, or writings, or copies thereof, to or before the said commissioners or assistant commissioners, as such commissioners may deem reasonable, to be paid as follows; that is to say, out of the poor rates of the respective parish or union which in the opinion of the said commissioners shall be interested or concerned in such attendance or production respectively in all cases in which such witnesses shall not go or travel more than ten miles from the respective parish or union which shall be interested or concerned as aforesaid, and in all other cases the expences so ordered or allowed shall be deemed as part of the incidental expences attending the execution of this act, and be paid accordingly.

*Administration of relief to the Poor to be under control of the Commissioners; who may make and alter Rules and Regulations for the Management of the Poor, and Administration of the Poor Laws, for their Relief, &c. Commissioners may suspend or alter Rules, &c.*

XV. That from and after the passing of this act, the administration of relief to the poor throughout England and Wales, according to the existing laws, or such laws as shall be in force at the time being, shall be subject to the direction and control of the said commissioners; and for executing the powers given to them by this act the said commissioners shall and are hereby authorized and required, from time to time as they shall see occasion, to make and issue all such rules, orders, and regulations for the management of the poor, for the government of workhouses and the education of the children therein, and for the management of parish poor children under the provisions of an act made and passed in the seventh year of the reign of his late Majesty King George the Third, intituled, "An Act for the better Regulation of Parish poor Children of the several Parishes therein mentioned within the bills of Mortality," and the superintending, inspecting, and regulating of the houses wherein such poor children are kept

and maintained, and for the apprenticing the children of poor persons, and for the guidance and control of all guardians, vestries, and parish officers, so far as relates to the management or relief of the poor, and the keeping, examining, auditing, and allowing of accounts, and making and entering into contracts in all matters relating to such management or relief, or to any expenditure for the relief of the poor, and for carrying this act into execution in all other respects, as they shall think proper; and the said commissioners may, at their discretion, from time to time suspend, alter, or rescind such rules, orders, and regulations, or any of them: Provided always, that nothing in this act contained shall be construed as enabling the said commissioners or any of them to interfere in any individual case for the purpose of ordering relief.

*General Rules to be submitted to Secretary of State 40 Days before coming into operation. If disallowed by King in Council during the 40 Days, not to come into operation. If disallowed after, not to operate.*

XVI. That no general rule of the said commissioners shall operate or take effect until the expiration of forty days after the same, or a copy thereof, shall have been sent, signed and sealed by the said commissioners, to one of his majesty's principal secretaries of state; and if at any time after any such general rule shall have been so sent to such principal secretary of state, his majesty, with the advice of his privy council, shall disallow the same or any part thereof, such general rule, or the part thereof so disallowed, shall not come into operation, if such disallowance be notified to the said commissioners at any time during the said period of forty days, but if such disallowance be made at any time after that period, such disallowance shall, by one of his majesty's principal secretaries of state, be notified to the said commissioners, and from and after such disallowance shall have been so notified then such general rule, so far as the same shall have been so disallowed, shall cease to operate, subject, however, and without



prejudice, to all acts and transactions under or by virtue of the same previously to such disallowance having been so notified.

*General Rules to be laid before Parliament.*

XVII. That all general rules for the time being in force at the commencement of every session of parliament, and which shall not previously have been submitted to parliament, shall from time to time, within one week after the commencement of every such session, be laid by one of his majesty's principal secretaries of state before both houses of parliament.

*Rules, Orders, &c. to be sent to Overseers, &c. before they shall come into operation. Publicity to be given to such Rules, &c. in manner directed by the Commissioners. Penalty on Overseer, &c. neglecting to give Publicity. Disallowance of Rule to be notified.*

XVIII. That a written or printed copy of every rule, order, or regulation of the said commissioners shall, before the same shall come into operation in any parish or union, be sent by the said commissioners, by the post, or in such manner as the commissioners shall think fit, sealed or stamped with their seal, addressed to the overseers of such parish, the guardians of such union or their clerk, and to the clerk of the justices of the Petty Sessions held for the division in which such parish or union shall be situate; and such overseers, guardians, or their clerk, and clerks to the justices aforesaid, are hereby required to keep and preserve, notify and give publicity to, such rules, orders, and regulations, in such manner as the said commissioners shall direct, and also to allow every owner of property or his agent, or any rate-payer, in every such parish or union, to inspect the same at all reasonable times, free of any charge for such inspection, and to furnish copies of the same, being paid for such copies at and after the rate of threepence for every folio of seventy-two words, and to allow copies or extracts thereof to be taken on being paid for so doing after the rate of three halfpence for every folio of

seventy-two words; and in case any such overseer, guardian, clerk, or clerk to the justices, to whom such rules, orders, or regulations, or copies thereof, shall be sent as aforesaid, shall neglect to keep and preserve, notify and give publicity to the same, in the mode prescribed or directed by the said commissioners, or shall refuse such inspection, or to furnish or allow such copies thereof to be taken as aforesaid, every person so offending shall for every such offence be subject and liable to a penalty not exceeding £10 nor less than 40s., to be recoverable in the same manner as any penalties are by this act directed to be recovered: Provided also, that if any such rule shall, after the same shall have come into operation, be disallowed in manner herein before-mentioned, or revoked by the said commissioners, then and in every such case, the said commissioners shall send, by the post, or in such manner as they shall think fit, to every parish or union, affected by the said rule, notice of such disallowance or revocation; such notice of disallowance, or revocation, to be addressed, kept, preserved, notified, and publicly inspected, and copies thereof furnished or allowed to be taken, in such and the same manner, and subject to the same penalties, as are herein-before mentioned respecting the rules, orders, and regulations of the said commissioners.

*No Inmate of a Workhouse to be obliged to attend any Religious service contrary to his Religious Principles, &c.*

XIX. That no rules, orders, or regulations of the said commissioners, nor any bye-laws at present in force or to be hereafter made, shall oblige any inmate of any workhouse to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in such workhouse in any religious creed, other than professed by the parents or surviving parent of such child, and to which such parents or parent shall object, or in the case of an orphan, to which the godfather or godmother of such orphan shall object: Pro-

vided also, that it shall be lawful for any licensed minister of the religious persuasion of any inmate of such workhouse, at all times in the day, on the request of such inmate, to visit such workhouse for the purpose of affording religious assistance to such inmate, and also for the purpose of instructing his child or children in the principles of their religion.

*Orders or Regulations of Assistant Commissioners to be approved and sealed by Commissioners.*

XX. That no order or regulation made by any assistant commissioner, shall be in force unless and until the same shall have been adopted by the said commissioners, and sealed or stamped with their seal, and thereupon every such order or regulation shall be considered as made by the said commissioners; and that no rule, order, or regulation of the said commissioners, except orders made in answer to the statements and reports hereinafter authorized to be made by overseers or guardians to the said commissioners, shall be in force until the expiration of fourteen days after a written or printed copy of the same shall have been sent by the said commissioners, sealed or stamped, and addressed as lastly herein-before is mentioned.

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## II. RELIEF OF THE POOR.

The duty of relieving and managing the poor has usually devolved on the overseers, assisted occasionally by the churchwardens, except when guardians have been appointed, under the 22 Geo. III. cap. 83, or a select vestry established. The poor were to be employed by the parish (43 Elizabeth, cap. 2, and 13 and 14, Car. 2, cap. 12,) if able to work, and the lame, impotent, blind, &c. relieved. The churchwardens and overseers were to meet monthly, or oftener, to consider of the mode of relief.

In case any poor persons refused to be employed, they might be committed to prison.

By the 3. William and Mary, cap. 41, a register was to be kept of the poor relieved, which book was to be produced annually, or oftener, to the parishioners, in vestry or otherwise, and a fresh list made, if necessary; and no other persons except those inserted in such list should be entitled to relief without the warrant of a justice. But when persons were ordered relief by justices, their names were then to be entered.

By the 9 Geo. I. cap. 7, no justice was to be permitted to order relief, until oath made of its necessity, and that the pauper had, by himself, or some other person, applied to the commissioners in vestry, or other public meeting, or to two of the overseers, and was refused to be relieved, nor until such justice had summoned two of the overseers, to show cause why relief should not be given.

And in cases of poor debtors confined in any gaol (not being a county-gaol), and not entitled to any allowance for their subsistence, the 52 Geo. III. cap. 160, enacts that a Justice may order 6d. a day to be paid to them by the parish in which the gaol is situate, with other provisions in case of their not belonging to such parish, or having no legal settlement in England or Wales.

With respect to casual poor, or such as by sudden calamity, accident, or otherwise, require immediate relief, it has always been the practice first to relieve such paupers, and then to remove, or pass them to their own parishes, recovering from such parishes the amount expended in temporary relief.

By the 59 Geo. 3, cap. 12, s. 29, overseers (by direction of two justices, or of the vestry, guardians, &c.) were authorized to advance to poor persons money weekly or otherwise, by way of loan, to be repaid by instalments according to the order of two

justices, who, in default of payment, had power to commit the defaulter to prison.

The other powers vested in justices for ordering relief were as follow: by sec. 5 of the 59 Geo. III., cap. 12, it was enacted that every order for relief in parishes not having a select vestry, should be made by two or more justices, and that for *one month only* from the date, except in cases of urgent distress, when one justice might make an order for relief, for fourteen days.

And by the 36 Geo. III., cap. 28, any justice of the peace for the district, &c. was empowered, at his own discretion, to order relief to industrious poor persons at their own homes for one month, or by further order for one month longer.

And by 55 Geo. III., cap. 137, s. 3, any justice or justices, in cases similar to the above, might order relief to poor persons, at their own homes, for a period not exceeding three months from the date of the order; and two justices might make further order for not exceeding six months, the amount so ordered for any period longer than a month not to exceed, for each poor person, three shillings per week, or three fourths of the average weekly expense usually paid by the parish for the maintenance of each poor person in the workhouse.

By the 59 Geo. III., cap. 12, s. 30, parish officers were authorized to advance weekly sums to pensioners in the army, navy, marines, or ordnance, applying for parish relief, taking an assignment of their next quarter's pension.

The 43 Geo. III., cap. 47, prescribed the mode in which relief was to be administered to the wives and families of militia-men, who should, when embodied, and called out into actual service, leave their families unable to support themselves.

It was also provided by the 43 Elizabeth, cap. 2,

s. 7 and 11, that a pauper should have a primary claim on his relatives, if in circumstances to contribute to his support. The following is the enactment :

“ *Parents or grandfathers or grandmothers* may be assessed by Justices in their Quarter Sessions (extended by 59 Geo. III., cap. 12, to Justices in Petty Sessions) for the relief of their *children or grand-children* ; and *children* may be assessed towards the relief of their *parents*, the party assessed being of sufficient ability, and the party to be relieved being poor, old, blind, lame, or impotent, or not able to work. The rate assessed to be paid under penalty of 20s. a month, to be levied by distress, or the defaulter to be imprisoned until paid.”

This statute, it has been decided, extends only to *natural* relations, and not to relations in *law*, or those acquired by marriage, but in default of one blood relation, another may be compelled to relieve the pauper. Thus, in the case of grandfather, father, and child, the father being incapable of maintaining the child, the grandfather may be compelled to do so, if of sufficient ability ; but a man is not obliged to maintain his son's wife, nor his wife's son, mother, or daughter. (4 East, 76 ; 2 Stra. 955.)

Such were the principal provisions relating to the relief of the poor existing at the time of the passing of the recent important statute.

The report of the Parliamentary Commissioners enters very fully into detail respecting the mode of relief prescribed for the administration of the poor laws from the time of Richard II. to the present day. It then proceeds to show the evils which have gradually accumulated in the administration of those laws.

“ In the greater part of the districts which they (the Commissioners) had been able to examine, the fund directed by the 43 Elizabeth to be employed in

setting to work persons capable of labour, but using no daily trade, or employing and apprenticing children, and relieving the impotent, has been applied to purposes opposed to the letter, and still more to the spirit of the law, and destructive to the morals of the most numerous class, and to the welfare of all.

“The great source of abuse is the out-door relief afforded to the able-bodied, on their own account, or on that of their families. This is given either in kind or money.

“When given in *kind*, it consists rarely of food, rather less unfrequently of fuel, and still less unfrequently of clothes, particularly shoes; but its most usual form is that of relieving the applicants, either wholly or partially, from the expense of obtaining house-room.

“Partial relief from the expense of obtaining house-room is given, or professed to be given, whenever the occupant of a cottage or an apartment is exempted, on the ground of poverty, from the payment of rates.

“In a great number of cases, the labourer, if a parishioner, is not only exempted from rates, but his rent is paid out of the parish funds.

“The out-door relief afforded in *money* to the able-bodied or their families, is still more prevalent. This is generally effected by one of the five following expedients—1. Relief without labour. 2. The allowance system. 3. The Roundsmen system. 4. Parish employment. 5. The labour rate system.

“1. *Relief without labour* is when the parish gives to those who are, or profess to be, without employment, a daily or a weekly sum, without requiring from the applicant any labour. Sometimes insufficient relief is afforded without imposing any further condition than that the applicant should ‘shift for himself’ and give the parish no further trouble. In many dis-

tricts the plan has become so common as to have acquired the technical name of 'relief in lieu of labour.' But it is more usual to give a rather larger weekly sum, and to force the applicants to give up a certain portion of their time, by confining them in a gravel-pit, or some other inclosure, or directing them to sit at a certain spot and do nothing, or obliging them to attend roll-call several times a day, or by any contrivance which shall prevent their leisure from becoming a means of either profit or amusement.

"In a still greater number of instances the relief is given on the plea that the applicant has not been able to obtain work: that he has lost a day, or a longer period, and is entitled, therefore, to receive from the unlimited resources of the parish what he has not been able to obtain from a private employer.

"II. *The allowance system* is by the parish allowing to labourers, who are employed by individuals, relief *in aid of their wages*.

"In some places allowance is given only occasionally, or to meet occasional wants: by, for instance, a coat or a pair of shoes, or to pay the rent of a cottage or an apartment. In others, it is considered that a certain weekly sum, or more frequently the value of a certain quantity of flour or bread, is to be received by each member of a family.

"The latter practice has sometimes been matured into a system, forming the law of a whole district, sanctioned and enforced by the magistrates, and promulgated in the form of local statutes, under the name of *Scales*.

"In, perhaps, a majority of the parishes in which the allowance system prevails, the earnings of the applicant, and, in a few, the earnings of his wife and children, are ascertained, or at least professed or attempted to be ascertained, and only the difference between them and the sum allotted to him by the



scale is paid to him by the parish. But it is to be observed, that even in those parishes in which the amount of allowance is supposed to depend on that of the applicant's earnings, the inquiry as to the amount of those earnings is never carried back further than the current or the previous week or fortnight.

"The consequence is, that many of those who, at particular periods of the year, receive wages far exceeding the average amount of the earnings of the most industrious labourer, receive also large allowances from the parish. Again, there are other parishes in which no inquiry whatever is made respecting earnings, but the birth of a child endows the parent with an allowance, whatever be his income. It is to be observed, also, that under the scale system, a child is very soon considered as an independent claimant for relief, and entitled to it though residing with his parents, and though they may be in full work, at high wages."

"III. *The Roundsmen System* is by the parish paying the occupiers of property to employ the applicants for relief, at a rate of wages fixed by the parish, and depending, not on the services, but on the wants of the applicants, the employer being repaid, out of the poor's rate, all that he advances in wages beyond a certain sum.

"According to this plan, the parish in general makes some agreement with a farmer to sell to him the labour of one or more paupers, at a certain price, and pays to the pauper, out of the parish funds, the difference between that price and the allowance which the scale, according to the price of bread, and the number of his family, awards to him. In other cases the parish contracts with some individual to have work performed for him by the paupers at a given price, the parish paying the paupers. In many places the roundsmen system is effected by means of an auction."

“IV. *Parish Employment.* This mode of relief is when the parish employs paupers, and pays them for their work.

“The 43rd of Elizabeth does not authorize relief to be afforded to any but the impotent, except in return for work. And much as this part of the statute has been neglected, its validity is recognized by the Judges. In the *King v. Collett*, 2 Barnewell and Cresswell, 324, Lord Tenterden decided it to be the duty of overseers to provide work, if possible, before they afforded relief. And whatever may be the difficulty of finding *profitable* work, it is difficult to suppose the existence of a parish in which it would not be *possible* to provide some work, were it merely to dig holes and fill them again. But though such is the law, it appears from the parliamentary return, that payment for work is the most unusual form in which relief is administered. The poor rate returns for the year ending the 25th March, 1832, state, that out of the £7,036,968 expended in that year for the relief of the poor, less than £354,000, or scarcely more than one-twentieth part, was paid for work, including work on the road and in the workhouses. This may easily be accounted for.

“In the first place, to afford relief gratuitously is less troublesome to the parochial authorities than to require work in return for it. Wherever work is to be paid for, there must be superintendence; but where paupers are the work-people, much more than the average degree of superintendence is necessary. In ordinary cases, all that the superintendent inquires is, whether the workman has performed an average day's work; and where the work is piece-work, he need not make that inquiry. The practice of his trade fixes the market-price of the work, and he pays it without asking whether the workman has been one hour, or one day, in performing it, or whether it

exceeds or falls below his wants. But the superintendent of pauper labourers has to ascertain, not what is an average day's work, or what is the market-price of a given service, but what is a fair day's work for a given individual, his strength and habits considered; at what rate of pay, for that work, the number of his family considered, he would be able to earn the sum necessary for his and their subsistence; and lastly, whether he has in fact performed the amount which, after taking all these elements into calculation, it appears that he ought to have performed. It will easily be anticipated that this superintendence is very rarely given; and that in far the greater number of cases in which work is professedly required from paupers, in fact no work is done.

"In the second place, collecting the paupers in gangs for the performance of parish work is found to be more immediately injurious to their conduct, than even allowance or relief without requiring work. Whatever be the general character of the parish labourers, all the worst of the inhabitants are sure to be among the number; and it is well known that the effect of such an association is always to degrade the good, not to elevate the bad. It was among these gangs, who had scarcely any other employment or amusement than to collect in groups and talk over their grievances, that the riots of 1830 appear to have originated.

"And, thirdly, parish employment does not afford direct profit to any individual. Under most of the other systems of relief, the immediate employers of labour can throw on the parish a part of the wages of their labourers. They prefer, therefore, those modes of relief which they can turn to their own account, out of which they can extract profit under the mask of charity.

"In many places, while the labour required by the

parish is trifling, the pay equals, or exceeds, that of the independent labourer."

"V. *The Labour-Rate System* is founded on an agreement among the rate-payers, that each of them shall employ, and pay out of his own money, a certain number of the labourers who have settlements in the parish, in proportion, not to his real demand for labour, but according to his rental, or to his contribution to the rates, or to the number of horses that he keeps for tillage, or to the number of acres that he occupies, or according to some other scale. Where such an agreement exists, it is generally enforced by an additional rate, imposed either under the authority of the 2 and 3 William IV. cap. 96, or by general consent, on those who do not employ their full proportion."

The Report treats at large of the injurious effects of this system on the rate-payers. It then proceeds to consider its effects on the labourers :—

"The ultimate effect of a labour-rate (says the Report), or, in other words, of a measure which forces individuals to employ labourers at a given rate of wages, must be to destroy the distinction between pauperism and independence. Our inquiries have convinced us that it is only by keeping these states separated by as broad, and as distinct a demarcation as possible, and by making relief, in all cases, less agreeable than wages, that any thing deserving the name of improvement can be hoped for. Under this system, relief and wages are confounded ; the wages partake of relief, and the relief partakes of wages. The labourer is employed, not because he is a good workman, but because he is a parishioner. He receives a certain sum, not because it is the fair value of his labour, but because it is what the vestry has ordered to be paid. Good conduct, diligence, skill, all become valueless.

"A further objection to a permanent labour-rate system, is the great additional difficulty which it will create in the already arduous task of poor law amendment. When the direct employers of labour have for some time been sanctioned by the legislature in extorting from others the payment of a part of the wages of their labourers—when the best class of labourers, those who are not settled in the place of their employment, have disappeared—when what now remains of repugnance to relief, or of degradation in accepting it, has been destroyed by its being merged in wages—when all the labourers have been converted into a semi-servile population, without fear, but without hope—where can we look for the materials of improvement?

"On these grounds we believe that the labour-rate system, or any other system of forced employment by individuals at a compulsory rate of wages, if it ever become extensive and permanent, will purchase, at the expense of enormous and lasting mischief and injustice, whatever immediate advantages it affords.

"These are the systems under which relief is generally administered throughout the kingdom; but a class of persons have, in many places, established a right to public support, independently of either of these claims.

"These are *widows*, who, in many places, receive what are called pensions, of from 1s. to 3s. a week on their own account, without any reference to their age or strength, or powers of obtaining an independent subsistence, but simply as widows. In some places they receive an additional allowance if they have children. The allowance for each child is generally about 1s. 6d. a week; in rural districts, unless the child be illegitimate, it is more frequently 2s. or more.

"The out-door relief to the impotent (using that

word as comprehending all except the able-bodied and their families) is subject to less abuse. The great source of Poor Law mal-administration is, the desire of many of those who regulate the distribution of the parochial fund to extract from it a profit to themselves. The out-door relief to the able-bodied, and all relief that is administered in the work-house, affords ample opportunities for effecting this purpose; but no use can be made of the labour of the aged and sick, and there is little room for jobbing if their pensions are paid in money. Accordingly, even in places distinguished in general by the most wanton parochial profusion, the allowances to the aged and infirm are moderate.

"The out-door relief of the sick is usually effected by a contract with a surgeon, which, however, in general includes only those who are parishioners. When non-parishioners become chargeable from illness, an order for their removal is obtained, which is suspended until they can perform the journey. In the meantime they are attended by the local surgeon, but at the expense of the parish to which they belong. This has been complained of as a source of great peculation, the surgeon charging a far larger sum than he would have received for attending an independent labourer, or a pauper in the place of his settlement."

"Out-door relief appears to be the relief which is now most extensively given, and it appears to contain in itself the elements of an almost indefinite extension—of an extension, in short, which may ultimately absorb the whole fund out of which it arises. Among the elements of extension are the constantly diminishing reluctance to claim an apparent benefit, the receipt of which imposes no sacrifice, except a sensation of shame quickly obliterated by habit, even if not prevented by example; the difficulty, often amounting to

impossibility, on the part of those who administer and award relief, of ascertaining whether any and what necessity for it exists; and the existence in many cases of positive motives on their parts to grant it when unnecessary, or themselves to create the necessity. The first and third of these sources of mal-administration are common to the towns and to the country; the second, the difficulty of ascertaining the wants of the applicant, operates most strongly in the large towns.

“It will be seen how zealous must be the agency, and how intense the vigilance, to prevent fraudulent claims crowding in under such a system of relief. But it would require a still greater vigilance to prevent the *bonâ fide* claimants degenerating into impostors; and it is an aphorism among the active parish officers, that ‘cases which are good to-day are bad to-morrow, unless they are incessantly watched.’ A person obtains relief on the ground of sickness: when he has become capable of returning to moderate work, he is tempted, by the enjoyment of subsistence without labour, to conceal his convalescence, and fraudulently extends the period of relief. When it really depends upon the receivers whether the relief shall cease with its occasion, it is too much to expect of their virtue that they shall, in any considerable number of instances, voluntarily forego the pension. The permanent officers, appointed to make inquiries at the residence of the out-door paupers, frankly acknowledge that it is beyond the power of any individuals to prevent an immense amount of fraud.

“It might have been hoped that, under such circumstances, a general feeling would have arisen that these abuses are intolerable, and must be put an end to at any risk or at any sacrifice. But many who acknowledge the evil seem to expect the cure of an inveterate disease without exposing the patient to any

suffering, or even discomfort. They exclaim against the burthen as intolerable, but object to any amendment, if it appears that it must be or may be attended by any immediate inconvenience. And among all parties, labourers, employers of labourers, and owners of property, many are to be found who think that they shall suffer some immediate injury from any change which shall tend to throw the labouring classes on their own resources.

“The labourer feels that the existing system, though it generally gives him low wages, always gives him easy work. It gives him also, strange as it may appear, what he values more, a sort of independence. He need not bestir himself to seek work—he need not study to please his master—he need not put any restraint upon his temper—he need not ask relief as a favour. He has all a slave’s security for subsistence, without his liability to punishment. As a single man, indeed, his income does not exceed a bare subsistence, but he has only to marry and it increases; even then it is unequal to the support of a family, but it rises on the birth of every child. If his family is numerous, the parish becomes his principal paymaster; for small as the usual allowance of 2s. a head may be, yet when there are more than three children it generally exceeds the average wages given in a pauperized district.

“It appears to the pauper that the government has undertaken to repeal in his favour the ordinary laws of nature, to enact that the children shall not suffer for the misconduct of their parents—the wife for that of the husband, or the husband for that of the wife; that no one shall lose the means of comfortable subsistence, whatever be his indolence, prodigality, or vice;—in short, that the penalty which, after all, must be paid by some one for idleness and improvi-



dence, is to fall, not on the guilty person or his family, but on the proprietors of lands and houses incumbered by his settlement.

“The committee appointed by the House of Commons, in 1817, to consider the Poor Laws, stated their opinion, ‘that unless some efficacious check were interposed, there was then every reason to think that the amount of the assessment would continue to increase, until at a period more or less remote, according to the progress the evil had already made in different places, it should have absorbed the profits of the property on which the rate might have been assessed, producing thereby the neglect and ruin of the land, and the waste or removal of other property, to the utter subversion of the happy order of society so long upheld in these kingdoms. In consequence of a recommendation of that committee was a check interposed by the 59 Geo. III., cap. 12; but though that act, by restricting the power of the magistrates to order relief, and by authorizing the removal of the Irish and Scotch paupers, the appointment of representative vestries, and of assistant overseers, the rating the owners of small tenements, and the giving relief by way of loan, occasioned during the six years that immediately followed it, a progressive diminution of the amount of the Poor Law assessment, its beneficial enactments appear to be no longer capable of struggling with the evil tendencies of the existing system. The year ending the 25th of March, 1824, was the last year of regular improvement; and the amount of relief now given, when estimated in commodities, is actually greater, and greater in proportion to our population, than it was when the report was made. It has increased still more when considered with reference to the value of the property on which it is assessed.

“Those who are guilty of the important act of pru-

dence and self-denial—that of deferring the period of marriage—are punished, sometimes by being refused permission to work, sometimes by being allowed to work only a given number of days in each week, and sometimes by being paid for a full week's labour only a portion, often not half or a third of what they see their fellow-workmen receive.

“Piece-work is refused to the single man, or to the married man if he have any property, because they can exist on day wages; it is refused to the active and diligent labourer, because he would earn too much. The enterprising man who has fled from the tyranny and pauperism of his parish to some place where there is a demand and reward for his services, is driven from a situation which suits him, and an employer to whom he is attached, by a labour-rate or some other device against non-parishioners, and forced back to his settlement to receive as alms a portion only of what he was obtaining by his own exertions. He is driven from a place where he was earning, as a free labourer, 12s. or 14s. a week, and is offered road-work as a pauper, at 6d. a day, or perhaps to be put up by the parish authorities to auction, and sold to the farmer who will take him at the lowest allowance.

“But though the injustice perpetrated on the man who struggles, as far as he can struggle, against the oppression of the system,—who refuses, as far as he can refuse, to be its accomplice, is at first sight the most revolting, the severest sufferers are those that have become callous to their own degradation, who value parish support as their privilege, and demand it as their right, and complain only that it is limited in amount, or that some sort of labour or confinement is exacted in return. No man's principles can be corrupted without injury to society in general; but the person most injured is the person whose principles

have been corrupted. The constant war which the pauper has to wage with all who employ or pay him, is destructive to his honesty and his temper; as his subsistence does not depend on his exertions, he loses all that sweetens labour, its association with reward, and gets through his work, such as it is, with the reluctance of a slave. His pay, earned with importunity or fraud, or even violence, is not husbanded with the carefulness which should be given to the results of industry, but wasted in the intemperance to which his ample leisure invites him.

“In all extensive civilized communities, the occurrence of extreme necessity is prevented by almsgiving, by public institutions supported by endowments or voluntary contributions, or by a provision partly voluntary, and partly compulsory, which may exclude the pretext of mendicancy. But in no part of Europe, except England, has it been thought fit that the provision, whether compulsory or voluntary, should be applied to more than the relief of *indigence*, the state of a person unable to labour, or unable to obtain, in return for his labour, the means of subsistence. It has never been deemed expedient that the provision should extend to the relief of *poverty*; that of the state of one who, in order to obtain a mere subsistence, is forced to have recourse to labour.

“It may be assumed, that in the administration of relief, the public is warranted in imposing such conditions on the individual relieved, as are conducive to the benefit either of the individual himself, or of the country at large, at whose expense he is to be relieved. The first and most essential of all conditions, a principle universally admitted, even by those whose practice is at variance with it, is, that his situation on the whole shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class. Throughout the evidence it is shown,

that in proportion as the condition of any pauper class is elevated above the condition of independent labourers, the condition of the independent class is depressed; their industry is impaired, their employment becomes unsteady, and its remuneration in wages is diminished. Such persons, therefore, are under the strongest inducements to quit the less eligible class of *labourers*, and enter into the more eligible class of *paupers*. The converse is the effect when the pauper class is placed in its proper position, below the condition of the independent labourer. Every penny bestowed, that tends to render the condition of the pauper more eligible than that of the independent labourer, is a bounty on indolence and vice. As the poor's rates have been administered, they operate as bounties of this description, to the amount of several millions annually.

“The standard, therefore, to which reference must be made in fixing the condition of those who are to be maintained by the public, is the condition of those who are maintained by their own exertions. But the evidence shows how loosely and imperfectly the situation of the independent labourer has been inquired into, and how little is really known of it by those who award or distribute relief. It shows, also, that so little has their situation been made a standard for the supply of commodities, that the *diet* of the workhouse almost always exceeds that of the cottage, and the diet of the gaol is generally more profuse than even that of the workhouse. It shows, also, that this standard has been so little referred to in the exaction of labour, that commonly the *work* required from the pauper is inferior to that performed by the labourers and servants of those who have prescribed it: so much and so generally inferior as to create a prevalent notion among the agricultural paupers, that they have a right to be exempted from the amount of work, which is per-

formed, and indeed sought for, by the independent labourer.

“Tis true that nothing is necessary to arrest the progress of pauperism, except that all who receive relief from the parish should work for the parish exclusively, as hard and for less wages than independent labourers work for individual employers ; and in most districts useful work, which will not interfere with the ordinary demand for labour, may be obtained in greater quantity than is usually conceived. Cases, however, will occur, where such work cannot be obtained in sufficient quantity to meet an immediate demand ; and when obtained, the labour, by negligence, connivance, or otherwise, may be made merely formal, and thus the provisions of the legislature may be evaded more easily than in a workhouse. A well-regulated workhouse meets all cases, and appears to be the only means by which the *intention of the statute of Elizabeth, that all the able-bodied shall be set to work*, can be carried into execution.

“ It appears that in every instance in which the able-bodied labourers have been rendered independent of partial relief, or of relief otherwise than in a well-regulated workhouse:—

1. Their industry has been restored and improved.
2. Frugal habits have been created or strengthened.
- 3 The permanent demand for their labour has increased.
4. And the increase has been such, that their wages, so far from being depressed by the increased amount of labour in the market, have in general advanced.
5. The number of improvident and wretched marriages has diminished.
6. Their discontent has been abated, and their moral and social condition in every way improved.

“ Results so important would, even with a view to

the interest of that class exclusively, afford sufficient ground for the general introduction of the principle of administration under which those results have been produced. Considering the extensive benefits to be anticipated from the adoption of measures founded on principles already tried and found beneficial, and warned at every part of the inquiry by the failure of previous legislation, we shall, in the suggestion of specific remedies, endeavour not to depart from the firm ground of actual experience.

*"We therefore submit, as the general principle of legislation on this subject, in the present condition of the country—*

*"That those modes of administering relief which have been tried wholly or partially, and have produced beneficial effects in some districts, be introduced, with modifications according to local circumstances, and carried into complete execution in all.*

*"The chief specific measures which we recommend for effecting these purposes are—*

*"That, except as to medical attendance, and subject to the exception respecting apprenticeship hereinafter stated, all relief whatever to able-bodied persons or to their families, otherwise than in well-regulated work-houses (i. e. places where they may be set to work according to the spirit and intention of the 43 of Elizabeth), shall be declared unlawful, and shall cease, in manner and at periods hereafter specified;\* and that all relief afforded in respect of children under the*

\* "It appears to us (say the Commissioners in a subsequent part of their Report) that this prohibition should come into universal operation at the end of two years, and as respects new applicants, at an earlier period; and that the board should have power, after due inquiry and arrangements, to shorten those periods in any district; one of their first proceedings will probably be the gradual substitution of relief in kind for relief in money."

*age of sixteen shall be considered as afforded to their parents.*

“ And although it must be admitted, that able-bodied persons in the receipt of out-door allowances and partial relief, may be, and in some cases are, placed in a condition less eligible than that of the independent labourers of the lowest class ; yet to persons so situated, relief in a well-regulated workhouse would not be a hardship ; and even if it be, in some rare cases, it appears from the evidence that it is a hardship to which the good of society requires the applicant to submit. The express or implied ground of his application is, that he is in danger of perishing from want. Requesting to be rescued from that danger out of the property of others, he must accept assistance on the terms, whatever they may be, which the common welfare requires. The bane of all pauper legislation has been the legislating for extreme cases. Every exception, every violation of the general rule, to meet a real case of unusual hardship, lets in a whole class of fraudulent cases, by which that rule must in time be destroyed. Where cases of real hardship occur, the remedy must be applied by individual charity, a virtue for which no system of compulsory relief can be, or ought to be, a substitute.

“ We shall now show (continues the Report) from portions of the evidence, as to the administration of relief upon a correct principle in towns, that by an uniform application of the principle which we recommend, or, in other words, by a recurrence to the original intention of the poor laws, other evils produced by the present system of partial relief to the able-bodied will be remedied. The principal of the further evils which it would extirpate, is the tendency of that system to constant and indefinite increase, independently of any legitimate causes, a tendency which we have shown to arise from the irresistible temptations to

fraud on the part of the claimants. These temptations, we have seen, are afforded—

1. By the want of adequate means, or of diligence and ability, even where the means exist, to ascertain the truth of the statements on which claims to relief are founded.

2. By the absence of the check of shame, owing to the want of a broad line of distinction between the class of independent labourers and the class of paupers, and the degradation of the former by confounding them with the latter.

3. By the personal situation, connexions, interests, and want of appropriate knowledge on the part of the rate-distributors, which renders the exercise of discretion in the administration of all relief, and especially of out-door relief, obnoxious to the influence of intimidation, of local partialities, and of local fears, and to corrupt profusion for the sake of popularity or of pecuniary gain.

“It is shown throughout the evidence, that it is demoralizing and ruinous to offer to the able-bodied of the best character more than a simple subsistence. The person of bad character, if he be allowed any thing, could not be allowed less. By the means which we propose, the line between those who do, and those who do not, need relief is drawn, and drawn perfectly. If the claimant does not comply with the terms on which relief is given to the destitute, he gets nothing; and if he does comply, the compliance proves the truth of the claim—namely, his destitution.

“Wherever inquiries have been made as to the previous condition of the able-bodied individuals who live in such numbers in the town parishes, it has been found that the pauperism of the greater number has originated in indolence, improvidence, or vice, and might have been averted by ordinary care and indus-



tr The smaller number consisted of cases where the cause of pauperism could not be ascertained, rather than of cases where it was apparent that destitution had arisen from blameless want. Ill-informed persons, whose prepossessions as to the character of paupers are at variance with the statements of witnesses practically engaged in the distribution of relief, commonly assume that these witnesses form their general conclusions from exceptions, and that their statements are made from some small proportion of cases of imposture ; but whenever those statements have been put to a satisfactory test, it has appeared that they were greatly below the truth. The usual statements of the permanent overseers in towns are, that more than one-half or two-thirds of the cases of able-bodied paupers are cases of indolence or imposture, and it rarely appears that more than five or six in a hundred sustain the test of relief given upon a correct principle.

“ In the absence of fixed rules, and tests that can be depended upon, the officers in large towns have often no alternative between indiscriminately granting or indiscriminately refusing relief. The means of distinguishing the really destitute from the crowd of impostors being practically wanting, they are driven to admit or reject the able-bodied in classes. Now, however true it may be that the real proportion of cases which have the semblance of being well-founded may not exceed three or four per cent. of the whole amount of claims, yet, since each individual thus rejected may possibly be one of that apparently deserving minority, such a rejection, accompanied by such a possibility, is at variance with the popular sentiment.

“ On the other hand, the belief which prevails, that under the existing system some claims to relief *are* absolutely rejected, operates extensively and mischievously. It appears that this belief, which alone renders plausible the plea of every mendicant (that he

applied for parochial relief and was refused), is the chief cause of mendicity and vagrancy, notwithstanding the existence of a system of compulsory relief; a system which, if well administered, must immediately reduce, and enable the police ultimately to extirpate, all mendicity."

In altering the laws for the relief of the poor, the legislature has not proceeded to the extent of the commissioners' recommendation. The alterations made by the new statute are as follow:—

1. It repeals stats. 36 Geo. 3, c. 23; 55 Geo. 3, cap. 137, s. 3 & 4; and 59 Geo. 3, c. 12, s. 2 & 5. These repealed enactments enabled overseers and guardians of the poor, and select vestries, to give money or other relief to poor persons at their *homes*, without requiring them to enter the workhouse. The repeal of this power is contained in the fifty-third section of the new act, and is in the following words:—

*Repeal of 36 G. 3, c. 23; 55 G. 3, c. 137, s. 3 & 4, and 59 G. 3, c. 12, s. 2 & 5.*

LIII. That an act passed in the thirty-sixth year of the reign of his late majesty King George the Third, intituled "An Act to amend so much of an Act made in the Ninth Year of the Reign of King George the First, intituled 'An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor,' as prevents the distribution of occasional Relief to poor Persons in their own Houses, under certain Circumstances, and in certain Cases;" and so much of an act made and passed in the fifty-fifth year of the reign of his late majesty King George the Third, intituled "An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use, to alter and amend so much of an Act of the Thirty-sixth Year of his present Majesty as restrains Justices of the Peace from ordering Relief to poor persons in certain Cases for a longer Period than One

Month at a Time, and for other Purposes therein mentioned relating to the Poor," as extends the period for which occasional relief may be ordered by any justice or justices to poor persons at their own homes; and so much of the said act made and passed in the fifty-ninth year of the reign of his late majesty King George the Third, intituled "An Act to amend the Laws for the Relief of the Poor," as empowers any justice or justices to order relief in certain cases for a limited time, or in cases of urgent necessity, or in cases where parishes are under the management of guardians, governors, or directors appointed by special or local acts, or in cases where parishes have not a select vestry, shall be and the same are hereby repealed.

2. For the power thus repealed, the act substitutes a discretion, vested in the Central Board, to declare by their rules, &c., to what persons or class of persons, to what extent and for what period, and whether in money or with food or clothing, relief shall be afterwards given to able-bodied persons or their families.

*Commissioners to relieve able-bodied Paupers and their Families out of the workhouse.—Relief contrary to their regulations to be disallowed: but Overseers may delay the operation of such regulations under special circumstances, and make report thereof to the Commissioners.—If Commissioners disapprove of delay, they may fix a day from which all such Relief shall be disallowed.—Cases of Emergency.*

LII. Whereas a practice has obtained of giving relief to persons or their families who, at the time of applying for or receiving such relief, were wholly or partially in the employment of individuals, and the relief of the able-bodied and their families is in many places administered in modes productive of evil in other respects: and whereas difficulty may arise in case any immediate and universal remedy is attempted to be applied in the matters aforesaid; Be it further enacted, that from and after the passing of this act, it shall be

lawful for the said commissioners, by such rules, orders, or regulations as they may think fit, to declare to what extent and for what period the relief to be given to able-bodied persons or to their families in any particular parish or union may be administered out of the work-house of such parish or union, by payments in money, or with food or clothing in kind, or partly in kind and partly in money, and in what proportions, to what persons or class of persons, at what times and places, on what conditions, and in what manner, such out-door relief may be afforded : and all relief which shall be given by any overseer, guardian, or other person having the control or distribution of the funds of such parish or union, contrary to such orders or regulations, shall be and the same is hereby declared to be unlawful, and shall be disallowed in the accounts of the person giving the same, subject to the exceptions hereinafter mentioned : Provided always, that in case the overseers or guardians of any parish or union to which such orders or regulations shall be addressed or directed shall, upon consideration of the special circumstances of such parish or union, or of any person or class of persons therein, be of opinion that the application and enforcing of such orders or regulations, or of any part thereof, at the time or in the manner prescribed by the said commissioners, would be inexpedient, it shall be lawful for such overseers or guardians to delay the operation such orders or regulations, or of any part thereof, any period not exceeding the space of thirty days, to be reckoned from the day of the receipt of such orders or regulations ; and such overseers or guardians shall, twenty days at the least before the expiration of such thirty days, make a statement and report of such special circumstances to the said commissioners ; and all relief which shall be given by such overseers or guardians, before an answer to such report shall have been returned by the said commissioners, if otherwise lawful, shall not be deemed unlawful, although the same shall have been given contrary to such orders or regulations,

or any of them; but in case the said commissioners shall disapprove of such delay, or think that for the future such orders or regulations ought to come into operation, notwithstanding the special circumstances alleged by such overseer or guardian, it shall be lawful for the said commissioners, by a peremptory order, to direct that, from and after a day to be fixed thereby, such orders and regulations, or such parts or modifications thereof as they may think expedient and proper, shall be enforced and observed by such overseers or guardians; and if any allowance be made or relief given by such overseer or guardians after the said last-mentioned period, contrary to any such last-mentioned order, the amount of the relief or allowance so given shall be disallowed in the accounts of the party giving the same: Provided also, that a quarterly report of all such cases as shall occur in any quarter shall, at the end of every such quarter, be laid by the said commissioners before one of his majesty's principal secretaries of state: Provided also, that in case the overseers or guardians of any parish or union in which such orders or regulations shall be in force shall depart from them or any of them in any particular instance or instances of emergency, and shall within fifteen days after every such departure report the same and the grounds thereof to the said commissioners, and the said commissioners shall approve of such departure, or if the relief so given shall have been given in food, temporary lodging, or medicine, and shall have been so reported as aforesaid, then and in either of such cases the relief granted by such overseers or guardians, if otherwise lawful, shall not be unlawful or subject to be disallowed.

3. And the only exceptions to this rule are, that in united parishes *two justices* may order relief to persons settled in such parishes, who, from old age or infirmity, shall be wholly unable to work (*See UNIONS OF PARISHES, post, section 27 of the act*); that in cases of sudden and urgent necessity, even in parishes where the poor are managed by guardians, or a select

vestry, the overseer may give, or be ordered by a justice to give, temporary relief, in *articles* of necessity, but not in money, without reference to the settlement of the pauper ; and that in similar cases of urgent distress, any justice may order medical relief. The following forms the enactment on the last two subjects:—

*No Relief to be in future given, except by Board of Guardians, &c., 1 & 2 Wm. 4, c. 80.—Overseer to give Relief in cases of urgent necessity, but not in money.—Any Justice may give orders for Medical Relief in dangerous cases.*

LIV. That from and after the passing of this act the ordering, giving, and directing of all relief to the poor of any parish which, according to the provisions of any of the said recited acts, or of an act passed in the first and second years of the reign of his present majesty, intituled “An Act for the better regulating of Vestries, and for the Appointment of Auditors of Accounts in certain parishes in England and Wales,” or of this act, or of any local acts, shall be under the government and control of any guardians of the poor, or of any select vestry, and whether forming part of any union or incorporation or not, (but subject in all cases to, and saving and excepting the powers of, the said commissioners appointed under this act,) shall appertain and belong exclusively to such guardians of the poor, or select vestry, according to the respective provisions of the acts under which such guardians or select vestry may have been or shall be appointed; and it shall not be lawful for any overseer of the poor to give any further or other relief, or allowance, from the poor rate, than such as shall be ordered by such guardians, or select vestry, except in cases of sudden and urgent necessity, in which cases he is hereby required to give such temporary relief as such case shall require, in *articles* of absolute necessity, but not in money, and whether the applicant for relief be settled in the parish where he shall apply for relief or not: *Provided* always, that in

case such overseer shall refuse or neglect to give such necessary relief in any such case of necessity to poor persons not settled nor usually residing in the parish to which such overseer belongs, it shall and may be lawful for any justice of the peace to order the said overseer, writing under his hand and seal, to give such temporary relief in articles of absolute necessity, as the case shall require, but not in money; and in case such overseer shall disobey such order, he shall, on conviction before two justices, forfeit any sum not exceeding £5, which such justices shall order: Provided always, that any justice of the peace shall be empowered to give a similar order for medical relief (only) to any parishioner, as well as out-pensioner, where any case of sudden and dangerous illness may require it; and any overseer shall be liable to the same penalty as aforesaid for disobeying such order; but it shall not be lawful for any justice or justices to order relief to any person or persons from the poor rates of any such parish, except as hereinbefore provided.\*

The new statute repeals so much of the 43 Geo. 3, cap. 47, as authorized overseers to give relief to the families of militia-men, &c. while in actual service.

*Repeal of so much of 43 Geo. 3, c. 47, as requires Relief to be given to Wives and Families of Substitutes, hired Men, or Volunteers of Militia.*

LX. That from and after the passing of this act so

\* By this section, any justice is empowered to order medical relief to any parishioner or out-parishioner, in case of sudden and dangerous illness; but magistrates are deprived of the power to order relief in parishes where the poor are under the government of guardians, or a select vestry, except in cases of sudden and urgent necessity. If an overseer shall in such case refuse relief to a pauper, not in money but in articles of absolute necessity, a justice may then make order, under hand and seal, requiring such relief to be given, and that to casual poor as well as parochial.

much of an act passed in the forty-third year of the reign of his said late majesty King George the Third, intituled "An Act for consolidating and amending the several Laws for providing Relief for the Families of Militiamen in England when called out into actual Service," as directs overseers of the poor, by order of some one justice of the peace, to pay to the family of any person serving or enrolled as a ballotted man, substitute, hired man, or volunteer in the militia of England, a weekly allowance, or as authorizes any justice or justices to order such allowance to be paid under the rules and conditions in the said recited act provided, or as in any way discharges such ballotted man, substitute, hired man, or volunteer from the liability to maintain or repay the costs of maintenance of his family or any part thereof, or as prevents such families or any part thereof, from being removeable to their place of legal settlement, or sent to any workhouse, by reason of their receiving any allowance or being chargeable, shall be and the same is hereby repealed.

4. With respect to illegitimate children, the seventy-first section of the act provides, that the mother shall henceforth be bound to maintain them while unmarried, or until sixteen years of age; the following section enacting that it shall be only in case of the mother's being unable to do so, and the child therefore becoming chargeable to the parish, that the court of quarter sessions may make order on the putative father, to reimburse the parish for the maintenance of the child until it attain the age of *seven* only. If the mother should marry, the burthen of supporting her children, legitimate or illegitimate, is thrown upon her husband. The sections of the act containing these provisions, will be found under the head of **BASTARDY**, *post*.

5. It is enacted, that where any relief, or the cost price thereof, shall in future be given under the rules, &c., of the commissioners, by way of *loan*, a justice



shall have power to order an attachment of the pauper's wages, in the hands of his master or employer, for repayment. This enactment is comprised in the two following sections :—

*Relief by way of Loan.*

LVIII. That from and after the passing of this act any relief, or the cost price thereof, which shall be given to or on account of any poor person above the age of twenty-one, or to his wife, or any part of his family under the age of sixteen, and which the said commissioners shall by any rule, order, or regulation declare or direct to be given or considered as given by way of loan, and whether any receipt for such relief, or engagement to repay the same, or the cost price thereof, or any part thereof, shall have been given or not by the person to or on account of whom the same shall have been so given, shall be considered and the same is hereby declared to be a loan to such poor person.

*Power to Justices to attach Wages in Hands of Master or Employer.—Mode of Proceeding against Masters for Recovery thereof.*

LIX. That in all cases where any relief shall have been given by way of loan, or where any relief, or the cost price thereof, shall be treated as a loan, under the rules, orders, and regulations of the said commissioners, or the provisions of this act, it shall be lawful for any justice, upon the application of the overseers or guardians of the parish or union providing such relief, and upon proof of the same having been given to or on account of any such person, his wife or family, as aforesaid, and of the same, or any part thereof, still remaining due, to issue a summons, requiring such person, as well as the master or employer of such person, or some person on his behalf, to appear before any two justices, at a time and place to be named in such summons, to show cause why any wages due, or which may from time to time become due, from such master or employer, should not be paid over, in whole or in part, to such

overseers or guardians, and if no sufficient cause be shewn to the contrary, or if such person, or some one on his behalf, shall not appear on the return of such summons, then the said justices shall, by order under their hands, direct the master or employer for the time being from whom any wages shall be due, or from time to time become due or payable to such poor person, to pay, either in one sum or by such weekly or other instalments as the said justices shall in their discretion think fit, taking into consideration the circumstances of such poor person and his family, out of such wages, to such overseers or guardians, the amount of such relief, or so much thereof as shall from time to time be due or unpaid; and the payment to and receipt of any such overseer or guardian shall be a good discharge to such master or employer for so much of any such wages as shall be so paid by virtue of any such order; and if any such master or employer shall refuse or neglect to pay to the overseer or guardian producing any such order the money thereby directed to be paid, according to the terms of such order, and at the periods thereby fixed for such payment, the same may be levied and recovered, and the payment thereof from time to time enforced against such master or employer, in such and the like manner as penalties and forfeitures are recoverable under this act.

6. The statute prescribes a mode of enforcing, from relations of a pauper, the payment of money towards his support, in pursuance of an order under the forty-third of Elizabeth. This enactment is in the seventy-eighth section, which follows:—

*Sums payable under 43 Eliz. c. 2, s. 7, by Relations of poor Persons, how recoverable.*

LXXVIII. That all sums of money which shall be assessed by any justices of the peace on the father, grandfather, mother, grandmother, child, or children of any poor person, for the relief or maintenance of such poor person, under or by virtue of the provisions of a certain

act passed in the forty-third year of the reign of her late majesty Queen Elizabeth, intituled "An Act for the Relief of the Poor," or of any act to amend the same, or of this act, and all penalties and forfeitures to which any person so assessed by such justices for such relief or maintenance shall be liable for any default in paying the same by virtue of the provisions of any of the said recited acts, or of this act, shall be recoverable against every person so assessed or charged, in like manner as penalties and forfeitures are recoverable under the provisions of this act.

On the 6th of October, 1834, the Poor Law Commissioners addressed the following circular to the several parishes in England and Wales, as a guidance to them with respect to the powers of parish officers and magistrates in administering relief to the poor:—

The Commissioners of Poor Laws for England and Wales, on the 4th of September last, directed a letter to be addressed to the churchwardens and overseers of the poor throughout England and Wales, in which letter the commissioners pointed out to the parish officers that it was their duty "to continue to administer the *existing laws* for the relief of the poor of the parish or place for which they act; and that, subject to the provisions of the Poor Law Amendment Act, the general transaction of parochial business should (with strict attention to economy, and as far as the same is authorized by law) be continued in the accustomed course until the rules, orders, and regulations which the Commissioners are authorized to make shall have been duly prepared and promulgated."

The Commissioners have been informed, that in many parts of the country erroneous opinions prevail with respect to the actual state of the existing laws, particularly in relation to the powers which magistrates may still exercise in ordering parochial relief.

The Commissioners think it expedient, therefore, to point out, that the acts of 3 William and Mary, c. 11,

and 9 Geo. I. c. 7, are not repealed, and that these acts still authorize justices of the peace to exercise a control over the overseers in the administration of relief to the poor. But this control can now be exercised only in parishes in which there is no board of guardians, no select vestry, or other similar body, constituted under any local or general act.

By the 3d and 4th William & Mary, c. 11, one magistrate has the power of ordering a pauper's name to be placed on the book which contains the list of those who are to be relieved by the parish, as directed by the statute 43 Elizabeth, c. 2. It is to be observed, however, that the power thus granted to the magistrate is modified by the 1st section of the 9th Geo. I. c. 7, in which it is enacted,—

“That no justice of the peace shall order relief to any poor person dwelling in any parish—

1.—“until *oath* be made before such justice of the peace of some matter which he shall judge to be reasonable cause or ground for having such relief;

2. —————“and that the same person had by himself, herself, or some other, applied for relief to the parishioners, or to two of the overseers of the poor of such parish;

3. —————“and was by them refused to be relieved;

4.—“And until such justice hath summoned two of the overseers of the poor, to show cause why such relief should not be given;

5. —————“and the person so summoned hath been heard, or made default to appear before such justice.”

And it is further provided, in the second section of the same act, “that the person whom any such justice shall think fit to order to be relieved, shall receive relief as long as the cause for such relief continues, and no longer.”

By the 4th section of the same act, it is enacted, that in any parish in which a workhouse shall have been provided, if any poor person of such parish shall refuse to be lodged, maintained, and employed in such house,

such person so refusing shall be put out of the collection book, "and shall not be entitled to ask or receive any collection or relief from the churchwardens or overseers of the poor of the same parish, township, or place."

By the 36th Geo. III. c. 23, the enactments of which were extended and modified by the 55th Geo. III., c. 137, s. 3, and the 59th Geo. III., c. 12, s. 5, magistrates were empowered to order relief to poor persons at their homes, notwithstanding a workhouse had been provided and contracts entered into for lodging, keeping, maintaining, and employing the poor. But this stat. (36 Geo. III. c. 23), as well as the above-mentioned sections, by which it was so extended and modified, have been repealed by the Poor Law Amendment Act, and consequently the powers which the justices derived therefrom have terminated.

With reference to the parishes in which there is no board of guardians, select vestry, or other similar body constituted under any local or general act, the parish officers may, until the Commissioners shall issue their rules or orders, adopt all those modes of relieving the poor which they might lawfully have adopted before the passing of the Poor Law Amendment Act.

With respect, however, to those parishes or unions in which a board of guardians, select vestry, or other similar body, constituted under any local or general act, does exist, it is sufficient to refer to the 54th section of the Poor Law Amendment Act.

By order of the Board,

EDWIN CHADWICK, Secretary.

### III. WORKHOUSES AND WORKHOUSE REGULATIONS.

The provisions of previous statutes respecting workhouses may be briefly stated as follows :—

By the 43 of Elizabeth, cap. 2, churchwardens and overseers, or the greater part of them, by the leave of the lord of the manor, whereof any waste or common within their parish is parcelled, may erect, build, and set up, in fit and convenient places, convenient houses of dwelling for the impotent poor.

By the 9 Geo. I., cap. 7, churchwardens and overseers of parishes, or of two or more parishes united, may purchase or hire a house for the poor, and contract for their maintenance and employment.

Where guardians are appointed, by the 22 Geo. III., cap. 83, they have the same powers as overseers, except as to rates ; and by the 17th section of the same act, guardians are specifically authorized to build, purchase, or rent, poorhouses.

By the 59 Geo. III., cap. 12, s. 1, in case of a parish not having a workhouse, or one insufficient or inconvenient, the churchwardens and overseers, with consent of inhabitants in vestry, may build a suitable workhouse, or alter and enlarge any parish house for that purpose, purchasing, or taking on lease, ground for such building or enlarging. And by section 9 of the same statute, where a workhouse is insufficient, or incapable of being enlarged, the churchwardens and overseers, by the direction of the inhabitants in vestry, and with the consent of two justices, may sell such insufficient workhouse, and apply the produce thereof towards purchasing or building a new workhouse. Sec. 10 empowers the purchase or hire of suitable premises in an adjoining parish, with the consent of

two justices, where no poor-house can be procured in the parish itself; but no such poorhouse shall be more than three miles distant from the parish.

As to the regulations concerning the interior of workhouses, it is enacted by the 30 Geo. III., cap. 49, sec. 1—3, that any justice of the peace, physician, surgeon, apothecary, or officiating clergyman, authorized by such justice, may in the day-time visit any parish workhouse or houses (except those regulated by special act of parliament), kept for the maintenance of the poor within the county, and examine into the condition of the poor, the food, bedding, and clothing, and the condition of the house; and if there be any cause of complaint, the justice, physician, &c., are to certify the same, under hand and seal, to the next quarter sessions for the county, and cause the overseers, or master or governor of the workhouse, to be summoned to appear to answer the complaint at the sessions; and the justices there shall make order for removing the cause of complaint.

And by the 2d section of the same act, if such justice, physician, &c. should find any of the poor affected with contagious or infectious disease, or in want of immediate medical or other assistance, or of sufficient or proper food, or requiring separation from the other poor, order may be made, or procured to be made, through justices, as relief or remedy until the ensuing quarter sessions.

The rules for the regulation of workhouses are contained in the schedule to the 22 Geo. III., cap. 83, by the 34th section of which statute it is enacted, that the rules and regulations contained in such schedule shall be duly observed, with such additions as shall be made thereto by the justices of the district, &c., if not repealed by the quarter sessions:

The following are the rules and orders contained in the schedule referred to:

First. That the several persons who shall be sent to any such poorhouse, who are capable of doing any work, shall be employed by the governor in some labour which may be best suited to their strength and capacity.

Second. That the governor shall take particular care to keep the said house, and the several apartments therein, and also the several persons who shall inhabit the same, clean and wholesome; and for that purpose he shall employ such of the said poor persons who shall be sent thither, whom he shall think most able and best qualified for the offices, to assist him therein, and also in providing and dressing victuals for the use of such poor persons; and if any poor person shall refuse or neglect to perform the work or labour in which he or she shall be so employed, or which he or she shall be directed to do by the governor, every such person shall be punished by confinement, or alteration of diet, in such manner as the governor shall direct; and for a second offence of the like sort, complaint thereof shall be made to some justice of the peace for the limit, who, on conviction, shall commit such person to the house of correction for any time not exceeding two calendar months, nor less than one calendar month.

Third. That the apartments in the house or houses to be provided as aforesaid, shall be adapted so as to accommodate the poor who shall be sent thither, in the best manner they are capable. That the governor shall place in the best apartments such poor persons who, having been creditable housekeepers, are reduced by misfortune, in preference to those who are become poor by vice and idleness; and that separate apartments shall be provided for the reception of the sick and distempered poor, and an apothecary or surgeon to be sent to attend them, when there shall appear necessity for it, at the expense of the parish or place to which such poor persons belong.

Fourth. That such poor persons who are able to work shall be called up by ring of bell, and set to work by six in the morning, from Lady-day to Michaelmas, and by eight from Michaelmas to Lady-day; and con-



time until four in the afternoon from Michaelmas to Lady-day, and from Lady-day to Michaelmas till six in the afternoon, meet time and times for reasonable recreation excepted; and if any such poor person shall refuse or neglect to do such work as shall be allotted him or her, or wilfully spoil the same, or depart from such house without leave from the governor, or shall be guilty of disorder or disobedience to these rules and orders, the governor shall reprove such person for the same, and punish him or her by confinement, or alteration of diet, as the said governor shall think fit; and if such person shall be guilty of the like offence a second time, the governor shall complain to the visitor of such house, who is hereby authorized to order the punishment of confinement to be increased to such degree as he shall think fit.

Fifth. That the governor shall enter in a book, to be kept by him, an account of the household goods, linen, furniture, and utensils provided for the said house, and also an account of the materials bought for manufacture and of the goods manufactured there, which shall be laid before the guardians at their monthly meeting, and before the visitor whenever he comes to such house.

Sixth. That the governor shall visit the several persons maintained in such house or houses, and their apartments, once at least in every day; and shall take care that there is no waste of fire, candles, or provisions; and shall see that the fires and candles are put out at the hours fixed for such persons going to bed, which shall be at eight of the clock between Michaelmas and Lady-day, and nine, between Lady-day and Michaelmas.

Seventh. That when any person shall die in the house, the governor shall take care that the body of such person be immediately removed into some separate apartment, and be decently buried, as soon as conveniently may be, and also take care of the clothes and goods of such person, and deliver them to the guardian of the poor of the parish or place to which such person did belong, who is to pay the charges of the funeral of such poor person.

**Eighth.** That no poor person be permitted to go out of the poor-house, nor any person permitted to come into such house or houses, except the persons maintained or employed there, without the permission of the governor; and that no spirituous liquors be permitted to be drank in such house or houses; and that no other liquors shall be brought thither without the permission of the said governor.

**Ninth.** That the rules, orders, and bye-laws shall be publicly read by the governor to all the poor persons kept in such house or houses, once at least in every month.

**Tenth.** That all poor persons able to go to church shall attend divine service every Sunday.

**Eleventh.** That the governor shall dismiss from the poor-house or workhouse every person who shall, in the opinion of the guardian or guardians, be thought improper to continue longer there, and upon an order from him or them for that purpose.

By the 55 Geo. III., cap. 137, ss. 1 & 2, workhouse goods, &c. may be marked with the word "workhouse," or such other mark as the overseers may think proper; but such mark is not to be publicly visible on the outside of wearing apparel. And pawnbrokers are restricted from receiving goods so marked under a penalty not exceeding £5, nor less than 20s.

Any person deserting, or running away from a workhouse, and carrying away any of the workhouse goods, &c. shall, upon conviction, be committed to the house of correction for three calendar months. The parish mark on goods to be sufficient evidence of the right of property (*Ibid*, ss. 3 & 4).

By the fifth section of the same statute, it is enacted, that any person maintained in a workhouse, refusing to be employed in any work, &c. suited to his or her age, strength, and capacity, or being guilty of drunkenness, or other misbehaviour, shall, on conviction, be committed to the house of correction for not exceeding twenty-one days, with hard labour.

By the 6 Geo. IV., cap. 80, s. 34, it is enacted that no license shall be granted for retailing spirits within any public workhouse; and if any governor, master, or officer, of any parish or workhouse, shall sell, use, lend, or give away, or knowingly permit or suffer any spirits to be sold, used, lent, or given away in any workhouse, or brought into the same, except such spirits as shall be prescribed by a regular physician, surgeon, or apothecary, and supplied in pursuance of such prescription, such governor or other officer shall forfeit £100 for the first offence, and the second conviction shall be deemed a forfeiture of his office.

And, by the thirty-fifth section, any justice, upon information on oath, may cause a workhouse to be entered and searched, and if spirits be found therein (except as aforesaid), the same may be seized and forthwith staved and destroyed.

By the thirty-sixth section, if any person shall carry or bring, or attempt to carry or bring, any spirits (except as aforesaid) into any parish workhouse, he may be arrested and carried before a justice, who, on conviction, may commit the offender to prison, with hard labour, for any term not exceeding three months.

By section thirty-seven, it is enacted, that copies of the above three sections (34, 35, & 36), written or printed, shall be hung up by the master or chief officer in one of the most conspicuous places of the workhouse, and renewed from time to time, so as to be always fair and legible, on pain of forfeiting £10 for every wilful neglect. And justices may enter workhouses and demand sight of such copies.

By the new act, the commissioners, with the consent of the majority of the guardians in a union, or of the rate-payers and owners in a parish which shall not have a workhouse, may order one to be built; the money raised for the purpose to be charged upon the rates. The commissioners may order workhouses to be enlarged or altered without such consent; but the

sum expended must not exceed a tenth of the year's rate. All powers under other acts relating to workhouses are to be, in future, executed under the control, and subject to the rates, &c. of the commissioners. The commissioners may also make rates, &c. for the future regulation of workhouses, the amount of relief to be given, and the labour to be required, and may from time to time alter, &c. the same. The following are the new enactments, on the subject of workhouses, in full:—

*Powers of 22 Geo. III. c. 83; 59 Geo. III. c. 12; and of all other Acts relating to Workhouses, and to borrowing Money, to be exercised under the control of the Commissioners. Commissioners, &c. to be entitled to attend Local Boards and Vestry; but not to order the building or hiring of Workhouses, except under Limitations.*

XXI. That, except where otherwise provided by this act, all the powers and authorities given in and by a certain act of parliament passed in the twenty-second year of the reign of his late Majesty King George the Third, intituled, "An Act for the better relief and employment of the Poor," and in and by a certain other act passed in the fifty-ninth year of the reign of his said late Majesty, intituled, "An Act to amend the Laws for the Relief of the Poor," and all acts for amending such acts respectively, and also all the powers and authorities given by every other act of parliament, general as well as local, for or relating to the building, altering, or enlarging of poorhouses and workhouses, and to the acquiring, purchasing, hiring, holding, selling, exchanging, and disposing thereof, or of land whereon the same may have been or may hereafter be erected, and of preparing such houses for the reception of poor persons, and the dieting, clothing, employing, and governing of such poor, and the raising or borrowing of money for any of the purposes aforesaid, and for repaying the same, and all powers of regulating and conducting all other workhouses whatsoever, and of governing, providing for, and employing the poor therein, and all powers auxiliary to

### THE POOR LAWS.

any of the powers aforesaid, or in any way relating to the relief of the poor, shall in future be exercised by the persons authorized by law to exercise the same, under the control, and subject to the rules, orders, and regulations of the said commissioners; and the said commissioners and assistant commissioners respectively, and every of them, shall be entitled to attend at every parochial and other local board and vestry, and take part in the discussions, but not to vote at such board or vestry: Provided always, that nothing herein contained shall give the said commissioners or assistant commissioners any power to order the building, purchasing, hiring, altering, or enlarging of any workhouse, or the purchasing or hiring of any land at the charge or for the use of any parish or union, save and except so far as such powers are expressly given by this act.

*No Additions or Alterations to be made to the Rules contained in the Schedule to 22 Geo. 3, c. 83, or in any other Act until confirmed by Commissioners.*

XXII. And whereas by the said act, made and passed in the twenty-second year of the reign of his late majesty King George the Third, it is (among other things) enacted, that the rules, orders, and regulations specified and contained in the schedule thereunto annexed should be duly observed and enforced at every poorhouse or workhouse to be provided by virtue of the said act, with such additions as should be made by the justices of the peace of the limit wherein such house or houses should be situate, at some special session, provided that such additions should not be contradictory to the rules, orders, and regulations established by that act, and provided that the same should not be repealed by the justices at their quarter sessions of the peace; and it is expedient that such additions, or other rules, orders, or regulations, under that or any local or other act, should not in future be made without the sanction of the said commissioners; be it therefore enacted, that no additions or alterations shall hereafter be made to or in the rules, orders, and regulations contained in the schedule to the said recited act, and no rules, orders, and regulations shall hereafter be made under the authority of the

said recited act, or of any act made for altering, amending, or extending the same, or any local or other act, relating to poorhouses, workhouses, or the relief of the poor, until the same shall have been submitted to and approved and confirmed by the said commissioners; and that the same, when so confirmed, shall be legally valid and binding upon all persons; and no justice or justices shall have power to repeal the same.

*Commissioners empowered to order Workhouses to be built, hired, altered, or enlarged, with consent, &c.*

XXIII. That it shall be lawful for the said commissioners, from time to time, by any writing under their hands and seal, with the consent in writing of a majority of the guardians of any union, or with the consent of a majority of the rate-payers and owners of property entitled to vote in manner herein-after prescribed, in any parish, such last-mentioned majority to be ascertained in manner provided in and by this act, to order and direct the overseers or guardians of any parish or union not having a workhouse or workhouses to build a workhouse or workhouses, and to purchase or hire land for the purpose of building the same thereon, or to purchase or hire a workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses; and, with the like consent, to order and direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any buildings capable of being converted into a workhouse or workhouses, to enlarge or alter the same in such manner as the said commissioners shall deem most proper for carrying the provisions of this act into execution, or to build, hire, or purchase any additional workhouse or workhouses, or any building or buildings, for the purpose of being used as or converted into a workhouse or workhouses, or to purchase or hire any land for building such additional workhouse or workhouses thereon, of such size and description, and according to such plans, and in such manner, as the said commissioners shall deem most proper for carrying the provisions of this act into execution; and the overseers

and guardians to whom any such order shall be directed are hereby authorized and required to assess, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for purchasing or hiring land, or for building, hiring, and maintaining workhouses for the use of the poor, in their respective parishes or unions, or to borrow money for such purposes under the provisions of this or any other act or acts.

*Sums for building Workhouses to be charged on Poor Rates; not to exceed One Year's Amount of Poor Rates.*

XXIV. That for the more effectually securing the repayment of any sum or sums of money borrowed for the purposes aforesaid, with interest, it shall be lawful for the said overseers or guardians to charge the future poor-rates of such parish or union with the amount of such sum or sums of money: Provided always, that the principal sum or sums to be raised for such purposes, whether raised within the year or borrowed, shall in no case exceed the average annual amount of the rates raised for the relief of the poor in such parish or union for three years ending at the Easter next preceding the raising of such money; and that any loan or money borrowed for any of the purposes aforesaid, shall be repaid by annual instalments of not less than one-tenth of the sum borrowed, with interest on the same, in any one year.

*Power to order Workhouses to be altered or enlarged, without consent, &c. Sums to be raised for such purposes not to exceed One-Tenth of One Year's rates, or £50.*

XXV. That it shall be lawful for the said commissioners, without requiring any such consent as aforesaid, by any writing under their hands and seal, to direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any building capable of being converted into a workhouse or work-

houses, to enlarge or alter the same according to such plan and in such manner as the said commissioners shall deem most proper for carrying the provisions of this act into execution; and the overseers or guardians to whom any such order shall be directed, are hereby authorized and required to assess, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for altering, enlarging, and maintaining, workhouses for the use of the poor in their respective parishes or unions: Provided always, that the principal sum or sums to be raised for such purposes, and charged upon any parish, shall not exceed in the whole the sum of 50*l.*, nor in any such case exceed one-tenth of the average annual amount of the rates raised for the relief of the poor in such parish for the three years ending at the Easter next preceding the raising of such money.

*Commissioners may make Rules, &c. for present or future Workhouses, and vary Bye-Laws already in force, or to be made hereafter. Rules, &c. affecting more than one Union to be deemed General Rules.*

**XLII.** That the said commissioners are hereby authorized, by writing under their hands and seal, to make rules, orders, and regulations, to be observed and enforced at every workhouse already established by virtue of the said recited act made and passed in the twenty-second year of the reign of his late Majesty King George the Third, intituled, "An Act for the better Relief and Employment of the Poor," or any general or local act of parliament, or hereafter to be established by virtue of such acts, or any of them, or of this or any other act of parliament relating to the relief of the poor, for the government thereof, and the nature and amount of the relief to be given to, and the labour to be exacted from, the persons relieved, and the preservation therein of good order, and from time to time to suspend, alter, vary, amend, or rescind the same, and make any new



or other rules, orders, and regulations, to be observed and enforced as aforesaid, as they from time to time shall think fit, and to alter, at their discretion, any of the rules, orders, and regulations contained in the schedule to the said recited act, and also to alter or rescind any rules, orders, and regulations heretofore made in pursuance of the said recited act, or any local act of parliament relating to workhouses or the relief of the poor; and that all rules, orders, and regulations to be from time to time made by the said commissioners under the authority of this act shall be valid and binding, and shall be obeyed and observed as if the same were specifically made by and embodied in this act; subject, nevertheless, to the said power of the said commissioners from time to time to rescind, amend, suspend, or alter the same: Provided always, that if any such rule, order, or regulation shall be, at the time of issuing the same, directed to and affect more than one union, the same shall be considered as a general rule, and subject and liable to all the provisions in this act contained respecting general rules.

*Justices empowered to see Bye-Laws enforced, and to visit Workhouses, pursuant to 30 Geo. 3, c. 49. Power given to Justices, &c. to visit Workhouses reserved where Commissioners' Rules, &c. are not in force.*

XLIII. That where any rules, orders, or regulations, or any bye-laws, shall be made or directed by the said commissioners to be observed or enforced in any workhouse, it shall and may be lawful for any justice of the peace acting in and for the county, place, or jurisdiction in which such workhouse shall be situate, to visit, inspect, and examine such workhouse at such times as he shall think proper, for the purpose of ascertaining whether such rules, orders, and regulations, or bye laws, are or have been duly observed and obeyed in such workhouse, as well as for such other purposes as justices are now authorized to visit workhouses under and by virtue of a certain act made and passed in the thirtieth year of the reign of his late Majesty King George the

Third, intituled, " An Act to empower justices and other persons to visit parish workhouses or poorhouses, and examine and certify the state and condition of the Poor therein to the Quarter Sessions ;" and if, in the opinion of such justice, such rules, orders, and regulations, or bye-laws, or any of them, have not been duly observed and obeyed in such workhouse, it shall be lawful for such justice to summon the party offending in such respect to appear before any two justices of the peace to answer any complaint touching the nonobservance of such rules, orders, regulations, and bye-laws, or any of them, and upon conviction before such two justices of the party so offending, such party shall forfeit and be liable to such penalties as are herein-after prescribed and provided against parties wilfully neglecting or disobeying the rules, orders, or regulations of the said commissioners : Provided always, that where no such rules, orders, regulations, or bye laws shall have been directed by the said commissioners to be enforced and observed in the workhouse of any parish, nothing in this act contained shall be construed to restrain or prevent any justice of the peace, physician, surgeon, or apothecary, or the officiating clergyman of any parish, from visiting such workhouse, and examining and certifying the state and condition of the same, and of the poor therein, in such manner as they or any of them are authorized to do in and by the said last-recited act.

*Buildings taken for Workhouses to be within the Jurisdiction of the Place to which they belong, though situated without.*

XLIV. Whereas the jurisdiction of certain cities, boroughs, and corporate towns is not always co-extensive with the parish in which it exists ; be it therefore enacted, that every house or building which shall be erected, purchased, or hired, as and for a workhouse, together with all premises and appurtenances thereto belonging, and the land or lands occupied therewith, shall be deemed and held to be within and subject to

the local jurisdiction of such incorporated city, borough, or town to which they may respectively belong, though the same may be situated in such part of the respective parishes as may not be within the chartered boundaries thereof.

*No Lunatic, insane Person, or dangerous Idiot, to be detained in a workhouse more than fourteen Days.*

XLV. That nothing in this act contained shall authorise the detention in any workhouse of any dangerous lunatic, insane person, or idiot, for any longer period than fourteen days; and every person wilfully detaining in any workhouse any such lunatic, insane person, or idiot, for more than fourteen days, shall be deemed guilty of a misdemeanor: Provided always, that nothing herein contained shall extend to any place duly licensed for the reception of lunatics and other insane persons, or to any workhouse being also a county lunatic asylum.

*Masters of Workhouses and Overseers to keep Registers.*

LV. That, from and after the passing of this act, the master of every workhouse, or such other paid officer of the parish or union as the said commissioners may direct, shall, on such day and in such form as the said commissioners shall appoint, take an account of, and register in a book to be provided at the expense of the parish or union to which such workhouse shall belong, and to be kept specially for that purpose, the name of every poor person who shall on such days be in the receipt of relief at or in such workhouse, together with such particulars respecting the families and settlement of every such poor person, and his and their relief and employment, as the said commissioners shall think fit; and in like manner, on such day as the said commissioners shall appoint, the overseer of the poor of every such parish shall register in a book, to be provided and kept as aforesaid, the name of every person then in the receipt of relief in such parish out of the workhouse, together with such particulars respecting the family and

settlement of every such poor person, and his and their relief and employment, as the said commissioners shall think fit; and after such account, shall have been so taken and registered as aforesaid, a similar register and account shall be kept by the like persons respectively of all persons who shall receive relief at, or in or out of, a workhouse, when and as often as such relief shall be granted.

*Repeal of so much of 6 G. 4, c. 80, as relates to Prohibition of Spirituous Liquors in Workhouses.*

XCI. That so much of an act made and passed in the sixth year of the reign of his late majesty King George the Fourth, intituled "An Act to repeal the Duties payable in respect of the Spirits distilled in England, and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the Warehousing of such Spirits without Payment of Duty for Exportation," as provides that, if any master or officer of any workhouse shall sell, use, lend, or give away, or knowingly permit or suffer any spirits to be sold, used, lent, or given away, in any such workhouse, or brought into the same, other than and except such spirits as shall be prescribed or given by the prescription and direction of a physician, surgeon, or apothecary, and to be supplied in pursuance of such prescriptions from the shop of some apothecary, every such master or such other officer shall for every such offence forfeit £100, and for the second like offence shall lose his office; and so much of the said last mentioned act as provides that no person shall carry or bring, or attempt to endeavour to carry or bring any spirits, except to be used in the way of medicine, into any workhouse, under the pain of being imprisoned for every such offence, for any time not exceeding three months; and also so much of the said last-mentioned act as provides that every

master and chief officer of every workhouse shall procure one or more copy or copies of the clauses in the said act mentioned, to be printed or fairly written and hung up in one of the most public places in the workhouse, and renew the same from time to time, so that it be always kept fair and legible, on pain of forfeiting £10 for every wilful default; or as enables any justice of the peace to demand a sight of such copy so hung up in some public place, to convict such master or officer of such default; shall be and the same is hereby repealed.

*Penalty on Persons introducing Spirituous Liquors into Workhouses.*

XCII. That if any person shall carry, bring, or introduce, or attempt or endeavour to carry, bring, or introduce, into any workhouse, now or hereafter to be established, any spirituous or fermented liquors without the order in writing of the master of such workhouse, or any officer of the same acting under his direction, to apprehend or cause to be apprehended, such offender, and to carry him or her before a justice of the peace, who is hereby empowered to hear and determine such offence in a summary way; and upon conviction thereof the party so offending shall forfeit and pay any sum of money not exceeding £10 for every such offence, as such justice may direct; and in default of payment of the penalty herein imposed, such justice may commit such offender to the house of correction for the district in which such workhouse shall be situated, for any space of time not exceeding two calendar months, unless such penalty shall be sooner paid.

*Penalty on Masters of Workhouses allowing the use of Spirituous Liquors, ill-treating Poor Persons, or misconducting themselves.—Power of Justices to order Salaries, &c., to be stopped, and applied towards the Payment of Penalties.*

XCIII. That if any master of a workhouse shall order any spirituous or fermented liquor to be carried, brought, or introduced into any workhouse, except for the domest-

the use of himself or of any officer of the said workhouse, or their respective families, or except by and under the written authority of the surgeon of such workhouse, or of any justice visiting the same, or the guardians of such workhouse, or in conformity with any rules, orders, or regulations of the said commissioners; or if any such master or any other officer of any workhouse shall carry, bring, or introduce into such workhouse, or sell, use, lend, or give away therein, or knowingly permit or suffer to be carried, brought, or introduced, or sold, used, lent, or given away therein, any spirituous or fermented liquer, contrary to the rules, orders, and regulations of the said commissioners; or shall punish with any corporal punishment any adult person in such workhouse, or confine any such person for any offence or misbehaviour for any longer space of time than twenty-four hours, or such further space of time as may be necessary in order to have such person carried before a justice of the peace; or shall in any way abuse or ill-treat, or be guilty of any other misbehaviour, or otherwise misconduct himself towards or with respect to any poor person in such workhouse; every such master or officer of a workhouse so offending, shall for every such offence, upon the complaint of the overseers or guardians of the parish or union to which such workhouse shall belong, or of any such poor person, and upon conviction of such offence before any two justices, forfeit and pay such sum of money, not being more than £20, as such justice may direct; and in default of payment of the penalty hereby imposed, such justices may commit such offender to the common gaol or house of correction for the district in which such workhouse shall be situate, for any space of time not exceeding six calendar months, unless such penalty shall be sooner paid: Provided always, that if at the time when any such master or officer of a workhouse shall be so convicted of any such offence there shall be due to him any sum of money or salary in respect of his employment, or upon any balance of account from the overseers or guardians of the parish to which workhouse shall belong, it

shall be lawful for such justices, upon the application of such overseers or guardians, by order in writing under their hand, to direct that such \* of money, salary, or balance, so far as the same shall extend, or a sufficient part thereof, shall be retained and applied for the use of such parish or union by such overseers or guardians, in payment or part payment of any such penalty; and such order shall be a good and valid discharge to such overseers or guardians for so much money as may by such order be directed to be so retained and applied against the claim or demand of the master of such workhouse in respect of any such sum of money, salary, or balance.

*Masters to hang up Copies of the two preceding Clauses in Workhouses.*

XCIV. That the master of every workhouse shall cause one or more copy or copies of the two preceding clauses (viz. Sect. 92 and 93,) to be printed or fairly written, and hung up in one of the most public places of such workhouse, and renew the same from time to time, so that it be always kept fair and legible, on pain of forfeiting the sum of ten pounds for every wilful default.

*Repeal of 22 Geo. 3. c. 83, s. 5, and 56 Geo. 3, c. 129, part of s. 1, restraining Parishes from contributing to Workhouse at a greater distance than ten miles; and of 22 Geo. 3, c. 83, s. 29, limiting the class of persons to be sent to Workhouses.*

XXXI. That from and after the passing of this act so much of the said recited act made and passed in the twenty-second year of the reign of his late Majesty King George the Third, intituled, "An Act for the better relief and employment of the Poor," as provides that no parish, township, hamlet, or place which shall be situate more than ten miles from any poorhouse or work-

\* So in original; it appears that the word *sum* is omitted.

house to be provided under the authority of that act, shall be permitted to be united for the purposes therein mentioned with the parishes, townships, hamlets, and places which shall establish such poorhouse or workhouse as therein mentioned, and as limits the class or description of persons who shall be sent to such poorhouse or workhouse ; and so much of a certain act made and passed in the fifty-sixth year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain provisions in Local Acts for the maintenance and management of the Poor," as repeals all enactments and provisions contained in any act or acts of parliament since the commencement of the reign of his late Majesty King George the First, whereby any parish, township, or hamlet, at a greater distance than ten miles from any house of industry or workhouse, shall thereafter be empowered or authorized to become contributors to, or take the benefit of, such house of industry, or workhouse, shall be and the same is hereby repealed.



## IV. BASTARDY.

By the first act on the subject of bastardy," say the Poor Law Commissioners, "the 18 Elizabeth, c. 3, s. 2, concerning bastards begotten and born out of lawful matrimony, (an offence against God's law and man's law) the said bastards being now left to be kept at the charges of the parish where they be born, to the great burden of the same parish, and in defrauding of relief the impotent and aged, *true poor of the same parish*, and to evil example and encouragement of lewd life, it is enacted, that two justices of the peace, upon examination of the cause and circumstances, shall, by their discretion, take order as well for the punishment of the mother and reputed father, as also for the better relief of every such parish, in part or in all; and for keeping of every such child, by charging such mother or reputed father with the payment of money weekly, or other sustentation, for the relief of such child, in such wise as they shall think convenient: and if after the same order by them subscribed under their hands, the said persons, namely, mother or reputed father, upon notice thereof, shall not, for their part, observe and perform the said order, every such party so making default to be committed to gaol, there to remain, except he, she, or they, shall put in sufficient surety to perform the said order, or else personally to appear at the next general sessions of the peace, and also to abide such order as the justices of the peace then and there shall make in that behalf.

"The object of this act was merely to force parents to support their child—a duty which appears to have been previously performed for them by the parish. Its failure may be inferred from the next act on the

subject, 7 Jac. I. c. 4, s. 7, which, 'because great charge ariseth upon many places within this realm by reason of bastardy, besides the great dishonour of Almighty God, enacts that every lewd woman which shall have any bastard which may be chargeable to the parish shall be committed to the house of correction, there to be punished and set to work, during the term of one whole year; and, if she shall estoons offend again, shall be committed to the said house of correction as aforesaid, and there remain until she can put in good sureties for her good behaviour not to offend so again;—a sentence which, if executed, must often have been imprisonment for life. The 50 Geo. III., cap. 51, s. 2, repeals this power, and enables the justices to sentence the woman to imprisonment for any period not less than six weeks, or more than one year.

“It appears by the 13 and 14 Car. II. s. 19, that the previous acts were defeated by the parents running away out of the parish, and sometimes out of the country, leaving their children on the charge of the parish where they were born. That act, therefore, enables the churchwardens and overseers of the poor of such parish where any bastard child shall be born, to take so much of the goods and chattels, and receive so much of the annual rent or profits of the lands of such putative father or mother, as shall be ordered by any two justices of the peace, for or towards the discharge of the parish for the bringing up and providing for such child.

“By the 6 Geo. II. c. 31, and the 49 Geo. III. c. 68, (by which the former act is repealed, and then re-enacted with some variations,) it is enacted, 'That if any single woman declare herself to be pregnant, and charge any person with being the father, it shall be lawful for any justice of the division, on the application of the overseers, or of any substantial house-

holder, to issue his warrant for the immediate apprehending such person, and he is required to commit such person to gaol, unless he shall give security to indemnify the parish, or enter into a recognizance with sufficient surety to appear at the quarter sessions, and to perform the order to be then made :—

“ ‘ It seems,’ says Mr. Nolan, the principal text writer on the subject, ‘ that the proceedings under this statute may be altogether *ex parte*. No summons need issue to bring the person accused before the justice; and it appears unnecessary that he should be present at the woman’s examination. When the reputed father is brought by warrant before the justice, the magistrate has no power to enter into the merits of the case, but is bound by the express terms of the statute to commit him to the common gaol or house of correction, unless he gives security, or enters into a recognizance with sufficient surety.’ \*

“ If there were no other objections to these laws, than that they place at the mercy of any abandoned woman, every man who is not rich enough to give security or find sureties, that they expose him to be dragged, without previous summons, on a charge made in his absence, before a tribunal which has no power to examine into the merits of the case; if these were their only faults, we should still feel it our duty to urge their immediate abolition.

“ But the mode in which they oppress the innocent, revolting as it is, is far less mischievous to society than that by which they punish the guilty. Without recurring to the proceedings which may take place during the mother’s pregnancy, we will consider those which follow the birth of an illegitimate child. The mother, as a matter of course, requires the parish to support the child. The overseers apply to the magis-

\* Nolan’s Poor Laws, vol. ii., p. 288, 289.

trates, who make an order that the woman, and the man whom she swears to be the father, shall each pay to the parish a weekly sum for its support. The sum charged on the woman is scarcely ever exacted, as she is supposed to earn it by nursing the child. If the man, on demand, refuse to pay the sum charged on him, he may be imprisoned three months, and so, from time to time, while the order remains in force. Whatever is received from the man is paid over by the parish to the woman, and in almost every case the parish pays the woman the sum, whatever it may be, that has been *charged* on the man, whether paid by him or not. The sum charged on the man varies from 7s. or 8s. a week, to 1s. The average is about 3s. or 2s. 6d. in towns, and 2s. in the country; but generally higher, if he is in good circumstances. In most cases the sum is as great, in many it is greater, than that for which a child can be put out to nurse, or than that which would be allowed by the parish if it were legitimate and its father dead. To the woman, therefore, a single illegitimate child is seldom any expense, and two or three are a source of positive profit. To the man, indeed, it is a burden, unless, as is frequently, perhaps we might say most frequently, the case, he avoids it by flying to some part of the country where he is unknown, or so distant from the scene of his delinquency as to make the expense of endeavouring to enforce payment a sufficient motive to leave him unmolested. Still more frequently, however, as soon as he finds that the evil of becoming the father of a bastard is otherwise inevitable, he avoids it by marrying the woman during her pregnancy—a marriage of which we may estimate the consequences, when we consider that it is founded, not on affection, not on esteem, not on the prospect of providing for a family, but on fear on one side, and vice on both.

“The objects of the Bastardy Laws appear to be

two: the diminution of the crime; and the indemnity of the parish when it has occurred. Unhappily, both the attention of the legislature and the efforts of those who administer the law have been principally directed to the second; and with the usual fate of pauper legislation and pauper administration, the indemnity of the parish has not been effected, though every other object has been sacrificed to it. The guidance of nature has been neglected, the task of resistance has been thrown upon the man instead of the woman; marriages in which the least fault is improvidence, have been not only promoted but compelled; every public inducement has been held out to perjury and profligacy, simply to save families from expense; and the direct effect has been, in all probability, to double or quadruple that,—the indirect effect to augment it still more. As far as we can judge from our returns, it appears that not one-half of the money paid by parishes to the mothers of bastards is recovered from the putative fathers, and that the portion so recovered is generally recovered at an enormous expense; on the other hand, whenever an unmarried female becomes pregnant, in a parish of which she is not a parishioner, a new and artificial expense is created by her removal to her place of legal settlement.

“When we add to these sources of expense the profuseness of the allowances to the mothers, in compliance with the order on the father, not half of which is, as we have seen, recovered, the tendency to vice which the hope of those allowances creates, and the number of illegitimate births, and the still greater number of legitimate births, which are the consequence, it is impossible to doubt, that, even the saving, for which all these evils have been let loose, has not been effected. Even among the laws which we have had to examine, those which respect bastardy appear to be pre-eminently unwise.

“ With respect to the Bastardy Laws, the evidence shows, that, as a general rule, they increase the expense which they were intended to compensate, and offer temptations to the crime which they were intended to punish, and that their working is frequently accompanied by perjury and extortion, disgrace to the innocent and reward to the shameless and unprincipled, and all the domestic misery and vice which are the necessary consequence of premature and ill-assorted marriage. We advise, therefore, their entire abolition.

“ What we propose in their room is intended to restore things, as far as it is possible, to the state in which they would have been if no such laws had ever existed ; to trust to those checks, and to those checks only, which Providence has imposed on licentiousness, under the conviction that all attempts of the legislature to increase their force, or to substitute for them artificial sanctions, have tended only to weaken or pervert them.

“ *First*, with respect to the child. In the natural state of things, a child, until emancipated, depends upon its parents. Their legal domicile, or, as it is technically called, place of settlement, is also the settlement of their offspring. And such is the existing law with respect to legitimate children. Only one of the parents of an illegitimate child can be ascertained. *We recommend that the general rule should be followed as far as it is possible, and that every illegitimate child born after the passing of the act, shall, until it attain the age of sixteen, follow its mother's settlement.* The immediate effect will be to prevent a great amount of waste, suffering, and demoralization. At present, an unmarried pregnant female, though asking for no relief, is hunted from parish to parish, her feelings deadened by exposure, and her means of supporting herself and her child destroyed ; and all this evil is

incurred merely to save expense to the parish in which she is resident, at the much greater expense of the parish to which she is removed. We feel confident that, if the woman were allowed to remain unmolested until she asked relief, she would, in many cases, by her own exertions, and the assistance of her friends, succeed in maintaining herself and her infant; but, as the law now stands, she has not power and inducement to do this. If she is settled in the parish in which her pregnancy took place, she has no inducement. The parish offers her a pension, generally equalling, often exceeding, her incumbrance, to be obtained without any additional disgrace. If she is unsettled, she has no power. However willing or anxious she may be to toil for her own and her child's subsistence, rather than to be dragged in shame to the scene of her youth, she is not allowed the choice. The officers know that, if the child is born in their parish, they are responsible for its support throughout life, and for the support of its posterity. The consequences which her removal will produce to the child, to the mother, and to her parish, are no concern of theirs. They remove her as a matter of course.

*“Secondly, with respect to the mother. As a further step towards the natural state of things, we recommend that the mother of an illegitimate child, born after the passing of the act, be required to support it, and that any relief occasioned by the wants of the child be considered relief afforded to the parent. This is now the law with respect to a widow; and an unmarried mother has voluntarily put herself into the situation of a widow: she has voluntarily become a mother, without procuring to herself and her child the assistance of a husband and a father. There can be no reason for giving vice privileges which we deny to misfortune.*

*“This course, or a course as nearly resembling it as*

the existing law will allow, has been tried, and with uniform success. 'In Swallowfield, Berks,' says Mr. Russell, 'a few years ago we adopted the practice of paying to the mother as much only of the allowance from the father as was absolutely necessary for the immediate support of the child. The effect upon the mother was precisely what we expected and desired it to be; and, if we could have persevered in the practice, I have no doubt it would have been productive of very salutary consequences; but a question having arisen as to its legality, we were compelled reluctantly to abandon it. At present a bastard child, instead of being an incumbrance, is a source of profit to the mother.'

"In Cookham, Berks, the same plan was adopted and persevered in by Mr. Whately. The result has been that, in a population of 3,337 persons, but one bastard has been christened during each of the last five years. In 1822 there were twenty-six bastards; ten years afterwards, notwithstanding the increase of population, there were but five.

"It appears, from Mr. Cowell's report, that at Bingham, in Nottinghamshire, as soon as the parish adopted measures which prevented the mothers from recurring to the parish, bastardy, which had been previously prevalent, almost ceased. For the first three years there was not an illegitimate birth in the parish, except in the case of a woman who was an idiot; and for the last twelve there appears to have been only one woman who has had a second. The same principle has been acted on, and for a longer period, with equal success, in the United States.

"In those classes of society which are above the labouring classes, the burthen of supporting an illegitimate child, in the first instance, falls of course on the mother. The labouring classes throw it upon her when they frame regulations for themselves (as in the case



of benefit societies). It appears, therefore, that the plan of exempting her has been rejected wherever there has been the power of rejecting it, and has been adopted only where one class has legislated for another.

“One great advantage which will follow from giving an unmarried mother no advantage over a widow with a legitimate child, will be, that her parents will be forced, if it is necessary, to contribute to her support and to that of her infant. In a natural state of things they must do so, whether the child be legitimate or not; and when we consider that, in the vast majority of cases, the neglect or ill example, and in many cases the actual furtherance of those parents, has occasioned their daughter's misconduct, it appears not only just, but most useful, that they should be answerable first.

“*We recommend that the same liability be extended to her husband.* The general law of the country throws on the husband all his wife's liabilities; he is bound to pay her debts, he is answerable for her engagements, even though he may not have been aware of them, though they may have been carefully concealed from him; and there seems no reason why this peculiar liability,—a liability which must almost always be notorious to him, should be excepted. We certainly consider it no objection that this will make it more difficult for a woman who has misconducted herself to obtain a husband: and we must add, that if this plan be not adopted, it will be difficult to follow out the system of giving no relief to the child independently of the mother, and of giving that relief in the workhouse.

“*On the other hand, we recommend the repeal of that part of the 35 Geo. 3, c. 101, s. 6, which makes an unmarried pregnant woman removable, and the 50 Geo. 3, c. 51, s. 2, which authorizes the committal*

*of the mother of a chargeable bastard to the house of correction.* The first of these enactments will cease to be applicable as soon as the child follows the mother's settlement. The second appears, by the evidence, to produce on the whole much more harm than good, and we object to them both as unnecessary interferences. If our previous recommendations are adopted, a bastard will be, what Providence appears to have ordained that it should be, a burthen on its mother, and, where she cannot maintain it, on her parents. The shame of the offence will not be destroyed by its being the means of income and marriage, and we trust that, as it has become both burthensome and disgraceful, it will become as rare as it is among those classes in this country who are above parish relief, or as it is among all classes in Ireland. If we are right in believing the penalties inflicted by nature to be sufficient, it is needless to urge further objections to any legal punishment. We may add, however, that the effect of any such punishment would probably be mischievous, not only by imposing unnecessary suffering on the offender, but by making her an object of sympathy.

*“Thirdly,* as to the father. In affirming the inefficiency of human legislation to enforce the restraints placed on licentiousness by Providence, we have implied our belief, that all punishment of the supposed father is useless. We believe that it is worse than useless. Without considering the numerous cases in which that punishment falls upon the innocent, without dwelling upon the perjury by which that injustice is accomplished, we will confine ourselves to the effect produced on the woman's mind by her power of calling for that punishment. That power is the security to which the woman looks at present; she expects that the parish will *right her*. If she is ill-disposed, this adds to the force of her temptation; if she is

well-disposed, this removes the prop which should support her self-control. Marriage will always be preferred by the woman if she can attain it, and she ought not to be placed in circumstances in which marriage shall be most easily attainable by previous concession.

*“ We recommend, therefore, that the second section of the 18 Eliz. cap. 3, and all other acts which punish or charge the putative father of a bastard, shall, as to all bastards born after the passing of the intended act, be repealed.*

“ Cases will, no doubt, occur of much hardship and cruelty, and it will often be regretted that these are not punishable, at least, by fine upon the offender. But the object of law is not to punish, but to prevent ; and if the existing law does not prevent, as is too clear, it must not be maintained, against its proper design, with a view to punishment, still less must it be maintained if it acts as an incentive. It must be remembered, too, that we do not propose to deprive either the women or their parents of their direct means of redress : she may still bring her action for breach of promise of marriage, and her parents may still bring theirs for the loss of their daughter’s service.”

The above quotation embodies, not only the old law, but the grounds for its alteration. It remains only for us to give the new enactments, which are as follow :—

*Husbands, or Fathers, liable for Relief to Wife, or Children under sixteen years of age.—43 Eliz. c. 2.*

LVI. That from and after the passing of this act all relief given to, or on account of, the wife, or to or on account of any child or children under the age of sixteen, not being blind, or deaf and dumb, shall be considered as given to the husband of such wife, or to the father of such child or children, as the case may be, and any re-

lief given to, or on account of, any child or children under the age of sixteen, of any widow, shall be considered as given to such widow : Provided always, that nothing herein contained shall discharge the father and grandfather, mother and grandmother, of any poor child, from their liability to relieve and maintain such poor child in pursuance of the provisions of a certain act of parliament, passed in the forty-third year of Queen Elizabeth, intituled, "An Act for the Relief of the Poor."

*Husband liable to maintain Children of Wife born before Marriage.*

LVII. That every man who, from and after the passing of this act, shall marry a woman having a child or children at the time of such marriage, whether such child or children be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his family, and shall be chargeable with all relief, or the cost price thereof, granted to or on account of such child or children, until such child or children shall respectively attain the age of sixteen, or until the death of the mother of such child or children ; and such child or children shall, for the purposes of this act, be deemed a part of such husband's family accordingly.

*Repeal of Acts relating to Liability and Punishment of putative Father, and Punishment of Mother of illegitimate Children.*

LXIX. From and after the passing of this act, so much of any act or acts of parliament as enables any single woman to charge any person with having gotten her with any child of which she shall then be pregnant, or as renders any person so charged liable to be apprehended or committed, or required to give security, on any such charge, or as enables the mother of any bastard child or children to charge or affiliate any such child or children on any person as the reputed or putative father thereof, or as enables any overseer or guar-

dian to charge or make complaint against any person as such reputed or putative father, and to require him to be charged with or contribute to the expenses attending the birth, sustentation, or maintenance of any such child or children, or to be imprisoned or otherwise punished for not contributing thereto, or as in any way renders such reputed or putative father liable to punishment or contribution as such, or as enables churchwardens and overseers, by the order of any two justices of the peace, confirmed by the sessions, to take, seize, and dispose of the goods and chattels, or to receive the annual rents or profits of the lands of any putative father of bastard children, and so much of any such act or acts as renders an unmarried woman with child liable as such to be summoned, examined, or removed, or as renders the mother of any bastard liable as such to be imprisoned or otherwise punished, shall, so far as respects any child which shall be likely to be born or shall be born a bastard after the passing of this act, or the mother or putative father of such child, be and the same is hereby repealed.

*Securities and Recognizances for Indemnity of Parishes against Children likely to be born Bastards to be null and void. Persons in Custody for not giving Indemnity to be discharged.*

LXX. That every security given or recognizances entered into by any person or persons, or his or their surety, before the passing of this act, to indemnify any parish or place as to any child or children likely to be born a bastard or bastards, whereof any single woman shall be pregnant at the time of the passing of this act, or to abide and perform such order or orders as might have been made touching such child or children, pursuant to an act made and passed in the eighteenth year of the reign of her said late majesty Queen Elizabeth, concerning bastards begotten and born out of lawful matrimony, shall be and the same are hereby declared null and void; and every person who shall at the time of the passing of this act be in custody upon the

commitment of any justice or justices for not having gives such security or entered into such recognizance, shall be discharged (upon the application of such person) by any one of the visiting justices of the gaol in which such person shall be in custody under any such commitment.

*Mother of Illegitimate Children bound to maintain the same.*

LXXI. That every child which shall be born a bastard after the passing of this act shall have and follow the settlement of the mother of such child, until such child shall attain the age of sixteen, or shall acquire a settlement in its own right; and such mother, so long as she shall be unmarried or a widow, shall be bound to maintain such child as a part of her family, until such child shall attain the age of sixteen; and all relief granted to such child while under the age of sixteen shall be considered as granted to such mother: Provided always, that such liability of such mother as aforesaid shall cease on the marriage of such child, if a female.

*Court of Quarter Sessions, on Application of Overseers, &c. may make an Order on putative Father of Child for its support. Monies paid not applicable to Support of Mother.*

LXXII. That when any child shall hereafter be born a bastard, and shall, by reason of the inability of the mother of such child to provide for its maintenance, become chargeable to any parish, the overseers or guardians of such parish, or the guardians of any union in which such parish may be situate, may, if they think proper, after diligent inquiry as to the father of such child, apply to the next general quarter sessions of the peace within the jurisdiction of which such parish or union shall be situate, after such child shall have become chargeable, for an order upon the person whom they shall charge with being the putative father of such child, to reimburse such parish or union for its maintenance and support; and the court to which such application shall be made shall proceed to hear evidence thereon, and if it shall be satisfied, after hearing both parties, that the person so charged is really and in truth the father of such child,

it shall make such order upon such person in that respect as to such court shall appear to be just and reasonable under all the circumstances of the case : Provided always, that *no such order shall be made unless the evidence of the mother of such bastard child shall be corroborated in some material particular by other testimony*, to the satisfaction of such court : Provided also, that *such order shall in no case exceed the actual expense incurred or to be incurred for the maintenance and support of such bastard child while so chargeable, and shall continue in force only until such child shall attain the age of seven years, if he shall so long live* : Provided also, that no part of the monies paid by such putative father in pursuance of such order shall at any time be paid to the mother of such bastard child, nor in any way be applied to the maintenance and support of such mother.

*No Application to be heard without fourteen days' previous notice. If application be heard, Costs may be calculated from Birth of Bastard Child, if within six months.*

LXXIII. That no such application shall be heard at such sessions unless fourteen days' notice shall have been given, under the hands of such overseers or guardians, to the person intended to be charged with being the father of such child of such intended application ; and in case there shall not, previously to such sessions, have been sufficient time to give such notice, the hearing of such application shall be deferred to the next ensuing general quarter sessions : Provided always, that whenever such application shall be heard, the costs of the maintenance of such bastard child shall, in case the court shall think fit to make an order thereon, be calculated from the birth of such bastard child if such birth shall have taken place within six calendar months previous to such application being heard ; but if such birth shall have taken place more than six calendar months previously to such application being heard, then from the day of the commencement of six calendar months next preceding the hearing of such application : Provided also, that if upon the hearing of such application

the court shall not think fit to make any order thereon, it shall order that the full costs incurred by the person so intended to be charged in resisting such application be paid by such overseers or guardians.

*In the event of party charged not appearing, the Court may nevertheless enter into the case.*

LXXIV. That if such person so intended to be charged shall not appear, by himself or his attorney, at the time when such application shall come on to be heard, the court shall nevertheless proceed to hear the same, unless such overseer or guardian shall produce an agreement under the hand of such person to abide by the order which the court may make without the hearing of evidence: Provided always, that such court may, notwithstanding such agreement, require that evidence shall be given in support of such application, if it thinks fit, before such order is made.

*Party summoned, if suspected of intending to abscond, may be required to enter into a Recognizance for his appearance.*

LXXV. That whenever such overseers or guardians shall have determined to make such application as aforesaid, it shall be lawful for one justice of the peace, at their request, to summon the person so intended to be charged with being the father of such bastard child to appear before him; and if such justice shall be satisfied that such person has any intention to abscond or keep out of the way, to avoid the consequences of such application, such justice may require such person to enter into a recognizance to appear and answer thereto, and in case such person shall neglect or refuse to enter into a recognizance, may commit such person to the gaol or house of correction of the county, riding, or division within such parish shall be situate, until he shall enter into such recognizance, or until such application shall be heard.



*When payments get into arrear, putative father may be proceeded against by Distress or Attachment of Wages.*

LXXVI. That if, at any time after the expiration of one calendar month after an order shall have been made in pursuance of such application, it shall appear to one justice, upon the oath of any of such overseers or guardians, that the payments directed to be made are in arrear, it shall be lawful for such justice or any other justice by warrant under his hand and seal to cause such putative father of such bastard child to be brought before two justices of the peace ; and in case such putative father shall refuse or neglect to make payment of such sum of money as shall appear to be due from him under such order, together with costs of apprehension, it shall be lawful for such or any two justices to proceed to recover such sum and costs by distress and sale of the goods and chattels of such putative father, or by attaching his wages in the same manner as wages may be attached under this act.

And, by the 103d section, if any person shall find himself aggrieved by any order made under the provisions of this act on such person, as the putative father of any bastard child, it shall be lawful for such person to appeal to any general or quarter sessions of the peace, to be held in and for the county, riding, or division, in which such order shall have been made, within four calendar months next after the cause of complaint shall have arisen, or if such sessions shall be held before the expiration of one calendar month next after such cause of complaint, then such complaint shall be made to the next following sessions, either of which court of sessions is hereby empowered to hear and finally determine the matter of the said appeal, and to make such order therein as to them shall seem meet ; which order shall be final and conclusive to and upon all parties: Provided, that the person so appealing shall give, or cause to be given,

at least fourteen days' notice in writing of his intention of appealing as aforesaid, and of the matter or cause thereof, to the respondent or respondents, and within five days after such notice shall enter into a recognizance before some justice of the peace, with sufficient securities, conditioned to try such appeal at the then next general or quarter sessions of the peace which shall first happen, and to abide the order of, and pay such costs as shall be awarded by, the justices at such quarter sessions, or any adjournment thereof; and such justices, upon hearing and finally determining such matter of appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper, and their determination in and concerning the premises, shall be conclusive and binding on all parties, to all intents and purposes whatsoever.\*

\* It will be seen by section 72, that a quarter session may make an order on the putative father of a bastard child for its support. It seems remarkable that the appeal should be to the same tribunal, but it is so in the act. It is stated to have been allowed to remain by mistake, the clause having been expunged by the Committee in the House of Lords.

## V.—SETTLEMENT.

The observations and recommendations of the Poor Law Commissioners on this subject, may be summed up as follows :—

The 43 Elizabeth, c. 2, contains no definition of settlement; but in a long train of legislation, a person had been considered settled in the parish in which he was born, or in which he had dwelled or been principally conversant for the preceding three years; or under the 39 Eliz. c. 4, in the case of vagabonds, whose place of birth could not be ascertained for one year; so that, until the 13 & 14 Car. II. c. 12, there seem to have been only two statutory grounds of settlement, birth and residence, first for three years, and afterwards in some cases for one.

“The 13 and 14 Car. II., c. 12, after reciting that the necessity, number, and continual increase of the poor, not only within the cities of London and Westminster, but also throughout the whole kingdom of England and dominion of Wales, is very great, and exceedingly burthensome, and that, by reason of some defects in the law, poor people are not restrained from going from one parish to another, and, therefore, do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy; and when they have consumed it, then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stock, where it is liable to be devoured by strangers, enacts, ‘That it shall be lawful, upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of the

peace, within forty days after any such person or persons coming so to settle as aforesaid in any tenement under the yearly value of £10, for any two justices of the peace, whereof one to be of the quorum, of the division where any person or persons that are likely to be chargeable to the parish shall come to inhabit, by their warrant, to remove and convey such person or persons to such parish where he or they were last legally settled, either as a native, householder, sojourner, apprentice, or servant, for the space of forty days at the least, unless he or they give sufficient security for the discharge of the said parish, to be allowed by the said justices.'

"Never was such important legislation effected by means of exceptions, qualifications, and hints, and seldom have any laws been so pertinaciously adhered to after the principal, and in some cases, the only reasons for their introduction had ceased. The direct purpose of the act, stripped of all that qualifies it, is to enable the justices, on complaint of the churchwardens or overseers, to remove any new comer from a parish, though not applying for relief, if they think or profess to think, that he is likely to become chargeable. Such a power, however, was even then felt to require some restriction. It was required, therefore, that it should be exercised within the first forty days after the arrival of the new settler, and persons settling in a tenement of the yearly value of £10, a sum equal, according to the present value of money, to more than £50, were directly excepted. Forty days' residence, without removal, or occupying a tenement of £10 annual value, gave therefore, a right to remain, or, as it is now called, a settlement; and the direction that persons should be removed to the place where they were last legally settled as natives, householders, apprentices, servants, or even sojourners, for forty days', made also forty days' residence a means,

not only of acquiring a settlement, but also a means of losing any previous settlement, and established birth as a settlement, where no other had been acquired. To these the common law added estate, or property in land, because no person ought to be removed from his estate, and marriage in the case of a woman, and parentage in the case of a legitimate child, on the ground that a wife must not be separated from her husband, or a child, until emancipated, from its parents; and the 3 and 4 William and Mary, c. 11, s. 6, added, serving an annual public office, and contributing to the public taxes of a parish.

“The object of all the subsequent acts on this subject has been to restrict those modes of acquiring a settlement:—1. By enacting that, except in cases of persons serving offices, or paying parochial taxes, unmarried persons, without children, hired for a year, and apprentices, the forty days’ residence shall be accounted only from the delivery of a notice in writing to the overseers, which they are bound to read in church and register, (1 James II. c. 17; 3 William and Mary, c. 11.) 2. By preventing a residence from conferring a settlement on persons bringing a certificate from the overseers of their previous parish, acknowledging them to be settled there, (8 and 9 W. III. c. 30.) 3. By declaring that hiring shall not confer a settlement, unless the person hired shall continue in the same service a year, (8 and 9 W. III. c. 30.) 4. By enacting that the *purchase* of an estate for less than £30 shall not confer a settlement, (9 Geo. I. c. 7.) 5. By preventing a settlement from being gained by payment of taxes in respect of tenements of less annual value than £10, (35 Geo. III. c. 101,) a reduction which has virtually repealed this head of settlement. 6. By a series of acts, all endeavouring to explain and define the circumstances under which renting a tenement shall confer a settlement,

(59 Geo. III. c. 50; 6 Geo. IV. c. 57; 1 Will. IV. c. 18.)

"In the meantime, however, the circumstances under which apprenticeship, hiring and service, estate, renting a tenement, and serving an office, had been held to confer a settlement, had changed. We have seen that they were introduced as qualifications and restrictions on the power given by the 13 & 14 Car. II. of removing all new comers whom the overseers chose to consider likely to become chargeable. This power was put an end to by the 35 Geo. III. c. 101, which enacts, that no poor person shall be removed until he shall become actually chargeable,—a change so imperiously demanded, not only by expediency, but by justice, that it is difficult to conceive how the arbitrary enactment of the 13 & 14 Car. II. could have been tolerated so long.

"It might have been expected that the grounds of settlement which were established when the power of removal was given, would have been reconsidered when that power was taken away. This, however, appears not to have been done, for it cannot be supposed that, if attention had been called to the subject, they would all have been allowed to continue. The consequence has been, that in this instance, as in many others, like a patient who continues the use of remedies after the disease has ceased, we are suffering under laws of which the grounds have long been removed.

"The reply to our printed question:—Can you suggest any and what alteration in the settlement laws? almost always contains a protestation against settlement by hiring and service. As the demand for agricultural labour varies with the seasons, it is of great importance to the labourer that he should be engaged by the year. When hired for any shorter period, he is in danger of being out of work during the winter months, at the very time

when his wants are greatest. It is of the greatest importance, also, to the farmer, that the person on whose conduct his own welfare so much depends; should have the local knowledge and skill, and the attachment to his person and his interests, which only long continuance in the same service can produce. Accordingly, we find that where things are left to take their natural course, the agricultural labourer is generally hired by the year, and often passes his whole life on the same farm. But, instead of things being left to their natural course, the employer has always to consider how his interests may be affected if he allows a labourer to obtain a new settlement, and the labourer, what may be the consequence to himself, of losing his previous one. If the farmer, either from being a proprietor or a lessee, or a tenant-at-will, with the prospect of continuance, is interested in preventing settlements, he effects it either, first, by employing no non-parishioners; or, secondly, by hiring all his non-parishioners for periods less than a year; or, thirdly, by preventing those whom he hires from sleeping in his own parish. The first plan, when generally adopted in a district, distributes the labourers, not according to the real demand for labour, but to the accidental divisions of parishes. The second plan is sometimes used as a mere evasion, the labourer being hired for 51 weeks, or for 364 days, or some other period less than a year, but practically retained without intermission from year to year. In this case, however, the only protection against settlement, is evidence that the contract between the parties, almost always a verbal one, was for less than a year. The danger that this evidence may be lost, or wilfully suppressed, or falsified, has occasioned it to be more usual to let the service as well as the hiring be for less than a year; an interval of a few days being interposed, after which a new contract is made, and

a new service begins. This interval, however, is almost always spent by the labourer in idleness, and often in debauchery, to the injury of both parties; and even, if it be not so spent, the constant recurrence of a separation and a new agreement destroys the intimacy and security of the connexion, and has a tendency to introduce the still worse practice of hiring by the season, the month, the week, or even the day; a practice which many of our most experienced informants describe as most mischievous to the character and happiness of the agricultural labourers. On the other hand, the labourer, if he thinks his parish a *good* one—that is, one in which public or private relief is profusely distributed, is averse to endanger his existing settlement, by leaving it. With that general and vague idea of the law on the subject, which floats in the minds of those who have picked it up by hearsay, he is aware that there are many means by which a settlement may be lost as soon as a man has left his parish, though he is not precisely aware what they are, or how they are to be evaded; while he stays, however, he is safe. The land, to use his own expression, is to maintain him, and it is not his business to inquire whether he is wanted elsewhere, or whether he is an incumbrance where he is.

“There seems, indeed, good reason to suppose that the influx of Irish labourers into London is mainly attributable to the disinclination of labourers in the neighbouring country to quit their existing settlements.

“The third plan, that of preventing the unsettled labourer from sleeping within the parish, accounts for the frequent occurrence, in the most pauperized districts, of small parishes, with very low or almost nominal rates. When a parish is in the hands of only one proprietor, or of proprietors so few in number as to be able to act, and to compel their ten-



ants to act in unison, and adjoins to parishes in which property is much divided, they may pull down every cottage as it becomes vacant, and prevent the building of new ones. By a small and immediate outlay, they may enable and induce a considerable portion of those who have settlements in their parish to obtain settlements in the adjoining parishes; by hiring their labourers for periods less than a year, they may prevent the acquisition of new settlements in their own. They may thus depopulate their own estates, and cultivate them by means of the surplus population of the surrounding district. Against such conduct as this, a parish, in which the property is much divided, and that is the case in all towns, has no defence. Small master bricklayers and carpenters, and retired tradesmen with trifling accumulations, find cottages and houses, inhabited by the poor, a most lucrative investment. They must exercise, indeed, great vigilance and occasional harshness; they must be ready to wring their rents from their tenants, or to extort them from the overseer, by constantly threatening, and sometimes effecting, distresses and executions; and as no educated person could bear to seize the small property of the poor, or to turn whole families into the streets, those who seek a profit by providing accommodation for the labouring classes are generally persons whose habits have rendered them not merely indifferent to the general prosperity of the parish, but anxious to promote the pauperism that creates the demand for their crowded and unhealthy habitations.

“The evils arising from a settlement by apprenticeship, though less than those produced by hiring and service, are still very considerable. In the first place, it leads to a shameful abuse of the trust reposed in the parish officers, who have to bind out apprentices, a

trust of which the importance cannot well be exaggerated, since the whole welfare of the child may depend on its faithful execution.

“Mr. Henderson states, that in some towns in Lancashire, the practice pursued systematically is to bind the apprentices out into townships, in order to shift the settlement, so that the binding parish may be rid of them. When he inquired how they turned out, the answer was, ‘We have nothing to do with them afterwards.’ This evil is much promoted in many parishes by charitable endowments for the purposes of apprenticing children. The premiums supplied by the charity afford an easy mode of tempting an out-parishioner to take the children, and it is to be feared that in many cases the parish officers inquire no further: they have changed the child’s settlement, and if he is ruined in consequence, his new parish must maintain him.

“Another evil of settlement by apprenticeship is the influence which it allows to mere accident. An apprentice is settled finally in the parish where he sleeps the last night in his condition of apprentice, provided he has slept there, either continuously or at different times, though with intervals even of years, for forty days in the whole. In the meantime, he carries with him, wherever he goes, a contingent right of settlement, and may in fact gain as many settlements as the periods of forty days in the period of his apprenticeship; each fresh settlement suspending all the previous ones, subject to their revival, if his last night be spent in any parish in which he has slept as an apprentice for thirty-nine days.

“Nearly the same objections apply to settlement by hiring and service, the servant being settled where he slept the last night before his discharge, provided he has slept there during the course of his service,

though at different periods, for thirty-nine days in one year. Years may elapse between the occurrence of the last of these important sleepings, and their consequences to the parish in which they occurred. A man applies to a London parish for relief for himself, his wife, and their six children. He states that he was born in Suffolk, and at the age of fifteen apprenticed to a person in the parish of A; that, disliking his treatment, he absconded at the end of the first two months; that his master, satisfied with having received the premium, made no inquiry about him; that he came to London, and has lived there for the last thirty years, always hired by the day, by the week, or the job. On this statement he and his wife and family are sent to parish A; parish A, however, endeavoured to show that he did not go to London immediately after he ran away from his master, but was hired for a year as a gentleman's groom, and discharged at the end of his year's service at B, a small watering-place in Wales, where his master had been spending six weeks. To B, therefore, the pauper with his wife and family are again removed, subject to still further removal, if B can show that the gentleman with the groom, who is said to have stayed six weeks at the hotel, thirty-one years ago, in fact stayed there for only five weeks and a half; or that, though six weeks elapsed between his arrival and final departure, yet that, during three days he was absent with his groom on a visit, or that, though he kept his groom for a year, he did not hire him for a year, or that he discharged him a day before the year ended, or a day before the forty days of residence ended, or can adduce any other fact, however apparently trifling, of equal legal force. And it is on absurdities like these that the question depends, whether parish A, or parish B, neither of which has any real connexion with the pauper, neither of which

could by any vigilance have prevented him acquiring a settlement, is to support him and his family, and perhaps his children's children, for ever.

"Settlement by estate is a still easier mode of fraud than settlement by renting a tenement, as the slightest interest in land, if acquired gratuitously, even the last six months of a hovel let at 5s. a year, confers a settlement. Mr. Majendie mentions the case of an Irishman, to whom, for the express purpose of fixing him and his wife and family in a Sussex parish, his father-in-law conveyed some land. He now receives, in consequence, a fixed weekly allowance of 11s. 6d. from the parish.

"We have seen that the liability to a change of settlement by hiring and service, apprenticeship, purchasing or renting a tenement, and estate, are productive of great inconvenience and fraud; and it does not appear that those frauds and inconveniences are compensated by any advantage whatsoever. We have seen that these heads of settlement were introduced as qualifications of an arbitrary power of removal, and then indeed they were necessary. If they had not been created, the parish officers would have been empowered to confine almost every man to the place of his birth. Now that power is at an end, no man can be removed until he himself, by applying for relief, gives jurisdiction to the magistrates. The slightest evil arising from enactments, the motives for which have ceased, would be a sufficient ground for their repeal. It has been shown, however, that the evils are very great. We recommend, therefore, the immediate but prospective abolition of all these heads of settlement.

*"We recommend, therefore, that Settlement by hiring and service, apprenticeship, purchasing or renting a tenement, estate, paying rates, or serving an office, be abolished."*

We proceed to show, briefly, the law of settlement as it existed previously to the passing of the new act, and how far it is now altered by its enactments.

The modes by which, previously to the passing of the Poor Law Amendment Act, paupers could acquire a settlement in parishes, were as follows:—

1. By Birth.
2. By Parentage.
3. By Marriage.
4. By Estate.
5. By Renting a Tenement.
6. By Payment of Taxes.
7. By Serving an Office.
8. By Hiring and Service.
9. By Apprenticeship.

1, 2. *Settlement by Birth and Parentage.*—The place of birth determined the settlement of all illegitimate children, unless the mother were brought collusively into the parish, or the child was born in any gaol, &c., or while the mother was under any legal order of removal, or in transitu while the mother was passing under an order of removal, or in the streets, while the mother was in a state of vagrancy. (Carth. 433; Burr. Sess. Ca. 234; Term Rep. 251; Bulst. 349, &c.)

The settlement of legitimate children is the parish in which their father was last settled, wherever they may have been born, (Stra. 580; Burr. Sess. Ca. 153, & 516; 2 Sess. Ca. 150; 6 Term Rep. 56.) Or if the father had no traceable settlement, then the place of their mother's settlement is to be that of the children, (2 Bott, 31; Burr. Sess. Ca. 367 & 482; 2 Sess. Ca. 113; 7 Barn. & Cress. 615, &c.)

The new act does not affect the law of settlement with respect to legitimate children; but with respect to *illegitimates*, it is enacted, that every child which shall be born a bastard after the passing of this act, shall have and follow the settlement of the mother of such

child, until such child shall attain the age of sixteen, or shall acquire a settlement in its own right; and such mother, so long as she shall be unmarried or a widow, shall be bound to maintain such child as a part of her family, until such child shall attain the age of sixteen; and all relief granted to such child while under the age of sixteen shall be considered as granted to such mother: provided always, that such liability of such mother as aforesaid shall cease on the marriage of such child, if a female.

3. *Settlement by Marriage.*—Whenever a legal marriage takes place, the settlement of the husband becomes, by the fact of marriage, that of the wife (2 Sess. Ca. 116; 2 Bott, 80). The husband's settlement, thus communicated to the wife, is retained by her after his death until she acquire a new one. If the husband have no traceable settlement, the wife may claim her own, even during coverture (1 Nolan, 258). To establish marriage, it is sufficient if one credible witness present at the ceremony prove the fact of marriage, and the identity of the parties (Burr. Sess. Ca. 506; 1 Blackst. Rep).

Settlement by marriage is not affected by the new statute.

4. *Settlement by Estate.*—By the 9 Geo. I. cap. 7, sec. 5, if a person have an estate of his own, and reside thereon forty days, however small its value, if acquired by act of law, or through a third person, it would constitute a legal settlement; but if such estate were acquired by purchase, then, unless the consideration advanced was £30, it was no settlement for any longer time than the person resided thereon.

A residence of forty days, as well as the purchase, was necessary to confer a settlement (Burr. Sess. Ca. 307). But the forty days, it had been decided, need not be consecutive, nor the residence on the property purchased (2 Sess. Ca. 180; 1 East. Rep. 254).

With respect to this species of settlement, the new statute contains the following important enactment :—

*No Settlement by Estate to be retained longer than the Person shall inhabit within ten miles thereof.*

LXVIII. That no person shall be deemed, adjudged, or taken to *retain* any settlement, gained by virtue of any profession of any estate or interest in any parish, for any longer or future time than such person shall inhabit within ten miles thereof; and in case such person shall cease to inhabit within such distance, and therefore become chargeable, such person shall be liable to be removed to the parish wherein, previously to such inhabitancy, he may have been legally settled, or in case he may have subsequently to such inhabitancy gained a legal settlement in some other parish, then to such other parish.

5. *Settlement by Renting a Tenement.*—By the 13 & 14 Car. 2, cap. 12, it is held, by construction, that a person renting a tenement above the yearly value of £10 for forty days, in any parish in which he shall come to inhabit, shall thereby gain a settlement.

But by the 59 Geo. III., cap. 50, such tenement must consist of a house or building, being a distinct and separate dwelling-house or building, or of land, or of both, *bonâ fide* hired at £10 a-year, at the least, for one whole year; and such house must be held, or land occupied, and rent actually paid, for one whole year.

The 6 Geo. IV., cap. 57, s. 2, repeats the above enactment, and adds, that such house, building, or land, must be *occupied*, and rent to the amount of £10 actually paid, for one whole year.

Collectors of turnpike tolls, gate-keepers, their apprentices, &c., and all prisoners on civil process, are specially exempted from this mode of gaining a settle-

ment (54 Geo. III. cap. 170; and 3 Geo. IV. cap. 126).

The law of settlement by renting a tenement is essentially altered by the new act. Not only (under the 6 Geo. IV. cap. 172) must the tenement be rented for a year, at a rent of at least £10, and occupied for a year under such hiring, and £10 rent actually paid, but by the 66th section of the new statute it is enacted—"That from and after the passing of this act, no settlement shall be *acquired or completed* by occupying a tenement, unless the person occupying the same shall have been *assessed to the poor-rate*, and shall have *paid* the same, in respect of such tenement, *for one year* (4 & 5 Will. IV. c. 76, s. 66)."

6. *Settlement by Payment of Taxes.*—"If any person shall come into any town or parish to inhabit, and shall, for himself, and on his own account, be charged with, and pay his share towards, the public taxes or levies of the said town or parish, he shall be adjudged to have a legal settlement in the same." (3 & 4 Will. & Mary, cap. 11, s. 6.)

But the tenement must be actually occupied for a year, and rent to the amount of £10 actually paid, before such settlement can be gained.

Hence it is held, that the acquirement of a settlement by payment of public taxes only is virtually abrogated. The new act makes no alteration on the subject, except that, by the 66th section, just quoted, it requires that, in addition to a year's occupation and the payment of a year's rent of £10, at least, the occupant must also be rated to and pay the poor-rate.

7. *Settlement by serving an Office.*—This mode of gaining a settlement is annulled by the new act, which enacts, by section 64, "that from and after the passing of this act no settlement shall be acquired by serving an office." (4 & 5 Will. IV., cap. 76, sec. 64.)

8. *Settlement by Hiring and Service.*—"Unmarried



persons, not having children, who shall be hired into any parish or town for one year, and who shall continue and abide in the same service for one year, shall acquire settlements." (3 & 4 Will. & Mary, cap. 11, sec. 6; 8 & 9 Will. III. cap. 30, sec. 4.)

Certificated persons are excepted (9 & 10 Will. III. cap. 11), and servants hired to certificated persons. (12 Anne, stat. 1. cap. 18, sec. 2). Children, nurses, and servants, in the Foundling Hospital, can gain no settlement by hiring and service in which the hospital is situate. (13 Geo. II. cap. 29, sec. 7). Neither can penitents or servants in the Magdalen. (9 Geo. III. cap. 31, s. 8.)

If a servant served half a year in one parish, and then removed with his master and served the other half of the year in another parish, his settlement would be in the parish in which he served the last forty days. (Burr. Sett. Cases, 243).

The forty days' residence need not be successive (*ibid.*); and where the last forty days shall have been in a place where no settlement can be gained, the settlement shall be in the place where the preceding forty days were served (*ibid.*) If in different parishes, the settlement shall be in that where the servant slept the last night of the last forty days (1 Nolan, 422).

Settlements acquired by hiring and service previously to the passing of the new act are not affected thereby; but by the 64th section it is enacted, "that from and after the passing of this act, *no settlement shall be acquired by hiring and service, or by residence under the same*" (4 & 5 Will. IV. cap. 76, s. 64).

And by the succeeding section, "no person under any contract of hiring and service, not completed at the time of passing this act, shall acquire, or be deemed or adjudged to have acquired, any settlement by reason of such hiring and service, or of any residence under the same" (4 & 5 Will. IV. cap. 76, sec. 65).

9. *Settlement*<sup>2</sup> by *Apprenticeship*.—"If any person shall be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement (3 & 4 Will. & Mary, cap. 11, s. 8.)

Certificated persons are exempted under several statutes.

The apprentice must be bound either by indenture or by deed properly stamped; if the indenture be void, no settlement can be gained under it. There must also be a residence of forty days under the indenture in order to acquire a settlement.

Notwithstanding the recommendation of the commissioners on the subject of settlement by apprenticeship, the law is but slightly altered by the new enactment. The following are the only sections of the act which relate to apprentices:—

*No Settlement to be gained by Apprenticeship to the Sea Service.*

LXVII. That from and after the passing of this act no settlement shall be acquired by being apprenticed in the sea service, or to a householder exercising the trade of the seas as a fisherman or otherwise, nor by any person now being such an apprentice, in respect of such apprenticeship.

*Justices to certify that Rules of Commissioners have been complied with in binding poor Children Apprentices.—Justices' power reserved as between Master and Apprentice.*

LXI. That from and after the period at which any rule, order, or regulation of the said commissioners shall come into operation for the binding of poor children apprentices, in addition to such assent or consent, order or allowance of justices, as are now required by law, such justices, or any one justice, are and is hereby authorized and required to examine and ascer-

tain whether the rules, orders, or regulations of the said commissioners then in force for the binding of poor children apprentices have been complied with, and to certify the same at the foot of every such contract or indenture, and of the counterpart thereof, in such form and manner as the said commissioners by such rules orders, or regulations may direct, and until so certified no such contract or indenture of apprenticeship shall be valid : *Provided nevertheless*, that nothing in this act, or in any rule, order, or regulation of the said commissioners, shall affect the jurisdiction of any justice of the peace over any master or apprentice during the period of apprenticeship.

## VI. UNIONS OF PARISHES.

“The chief remedy for the principal evil of the system, the increase of the number of able-bodied paupers, having been shown to be their reception in a well-managed workhouse, we shall next, (say the Commissioners,) consider by what means such workhouse can be provided, and the requisite management enforced.

“The first difficulty arises from the small population of a large proportion of the parishes. Of the 15,535 parishes (including under that name townships maintaining their own poor) of England and Wales, there are 737 in which the population does not exceed fifty persons; 1,907 in which it does not exceed 100; and 6,681 in which it does not exceed 300. Few such parishes could support a workhouse, though they may have a poorhouse, a miserable abode, occupied rent-free by three or four dissolute families, mutually corrupting each other. Even the parishes which are somewhat more populous, those containing from 300 to 800 inhabitants, and which amount to 5,353, in the few cases in which they possess an efficient management, obtain it at a disproportionate expense.

“In such parishes, when overburdened with poor, we usually find the building, called a workhouse, occupied by sixty or eighty paupers, made up of a dozen or more neglected children (under the care, perhaps, of a pauper), about twenty or thirty able-bodied adult paupers of both sexes, and probably an equal number of aged and impotent persons, proper objects of relief. Amidst these, the mothers of bastard children and prostitutes live without shame, and associate freely with the youth, who have also the examples and conversation of the frequent inmates of the county gaol,

the poacher, the vagrant, the decayed beggar, and other characters of the worst description. To these may often be added a solitary blind person, one or two idiots, and not unfrequently are heard, from among the rest, the incessant ravings of some neglected lunatic. In such receptacles the sick poor are often immured.

“ In such places, when questions of the following tenor are put: Why is no labour found for the able-bodied? Why are not the children placed under proper tuition? Why is not proper care taken of the lunatic? the usual answers are, ‘The parish is too poor to pay for a keeper;’ ‘We cannot keep a school-master for so few children;’ ‘To provide a superintendent to keep half a dozen or a dozen men at work would be too heavy a charge.’ Even the superintendence of the whole of these various classes, and the management of the house, is often found a pecuniary burthen disproportionately heavy; and the parish officers attempt to diminish it by confiding the whole to one who is in reality, and sometimes avowedly, a pauper.

“The power of incorporation for workhouse purposes appears to us to be absolutely necessary. It also appears to us that parishes may be beneficially incorporated for some other purposes. This opinion depends in some measure on the further opinion that extended management is in certain points, and within certain limits, economical. In the minds of many, management on a large scale, and large establishments, are associated with large expenses and a general profusion: where every thing is magnified, abuses, which, though greater in proportion, would have been imperceptible on a smaller scale, become visible and striking; but we find that, in the small parishes, the expense per head of the persons entitled to relief is generally the greatest, and that, although

the actual burthen per pound on the rental is often small, that is effected, not by diminishing, but by shifting and often aggravating, the real burthen, by destroying cottages, preventing settlements, and driving the labourers into the adjoining district."

The report goes on to show, in the most satisfactory manner, the advantages likely to result from an extension of the plan of uniting parishes.

Parishes and townships were first allowed to unite in having a workhouse in common to maintain and employ their poor, by the 9th Geo. I. cap. 7, sec. 4. Under that act, the consent of the majority of the parishioners or inhabitants, at a vestry or other meeting held for the purpose, was necessary, and the approval of a justice of the peace was also required.

By the 22 Geo. II., cap. 83, unions of parishes were allowed for the same purpose, with the consent of two-thirds in number and value of the owners or occupiers of land, &c. within such parishes, and with the approval of two justices.

By the new act, the commissioners, without the consent of parishioners or inhabitants, or any application to justices, may order any parishes they may think fit to be united for the better administration of the poor laws. The enactments of the new statute on this subject are as follow:—

*Parishes may be united by Commissioners.—Each Parish to be chargeable for its own Poor.*

XXVI. That it shall be lawful for the said commissioners, by order under their hands and seal, to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor, and such parishes shall thereupon be deemed a union for such purpose, and thereupon the workhouse or workhouses of such parishes shall be for their common use; and the said commissioners may issue such rules,

orders, and regulations as they shall deem expedient for the clasification of such of the poor of such united parishes in such workhouse or workhouses as may be relieved in any such workhouse, and such poor may be received, maintained, and employed in any such workhouse or workhouses as if the same belonged exclusively to the parish to which such poor shall be chargeable; but notwithstanding such union and classification, each of the said parishes shall be separately chargeable with and liable to defray the expense of its own poor whether relieved in or out of any such workhouse.

*Justices in Unions may order out-door relief to aged and infirm persons wholly unable to work.*

XXVII. That in any union which may be formed under this act, it shall be lawful for any two of his majesty's justices of the peace usually acting for the district wherein such union may be situated, at their just and proper discretion, to direct, by order under their hands and seals, that relief shall be given to any adult person who shall from old age or infirmity of body be wholly unable to work, without requiring that such person shall reside in any workhouse: Provided always, that one of such justices shall certify in such order of his own knowledge, that such person is wholly unable to work, as aforesaid; and provided further, that such person shall be lawfully entitled to relief in such union, and shall desire to receive the same out of a workhouse.

*When a Union of Parishes shall be proposed, commissioners to inquire the expense of Poor belonging to each Parish for three years preceding. Power for taking future averages.*

XXVIII. That when any union of parishes shall be proposed to be made, or shall be made, under the provisions of this act, it shall be lawful for the said commissioners, and they are hereby required, from time to time, by such means and in such manner as they may think fit, to inquire into and ascertain the expense

incurred by each parish proposed to form part of such union for the relief of the poor belonging to such parish, whether such relief shall have been given in or out of any workhouse, for the three years ending on the 25th of March next preceding such inquiry ; and thereupon the said commissioners shall proceed to calculate and ascertain the annual average expense of each parish for that period ; and the several parishes included, or proposed to be included in such union shall, from the time of effecting the same, contribute and be assessed to a common fund for purchasing, building, hiring, or providing, altering, or enlarging any workhouse or other place for the reception and relief of the poor of such parishes, or for the purchase or renting of any lands or tenements, under and by virtue of the provisions of this act, of or for such union, and for the future upholding and maintaining of such workhouses or places aforesaid ; and the payment or allowance of the officers of such union, and the providing of utensils and materials for setting the poor on work therein, and for any other expense to be incurred for the common use or benefit or on the common account of such parishes, in the like proportions as on the said annual average of the said three years such relief had cost each such parish separately, until such average shall be varied or altered as hereinafter provided : Provided always, and the said commissioners are hereby authorized, if they shall so think fit, from time to time, either upon the application of the guardians of such union or of the overseers of any parish forming part of the same, or without such application, to cause a like inquiry and calculation to be made and average ascertained for three years ending on the twenty-fifth day of March next preceding such inquiry ; and from and after the ascertaining of any such average, or of any succeeding average, the respective parishes of such union shall contribute and be assessed to the common fund thereof, for the purposes aforesaid, in the proportions which the expense of such parishes shall be found to have borne to each other during such period, upon the average which shall have



been so last ascertained, until a like inquiry shall be again made, and a new average and proportion ascertained for the future assessment of such parishes.

*The like Provision in Unions effected under 22 Geo. 3, c. 83. Local Acts of Incorporation. Future Averages.*

XXIX. And whereas in divers unions formed under the said recited act made and passed in the twenty-second year of the reign of his late majesty King George the Third, intituled "An Act for the better Relief and Employment of the Poor," or under local acts of incorporation, the whole of the expense, as well of upholding the united workhouses therein as of maintaining and relieving the poor of the respective parishes of such unions, is assessed upon such parishes in the respective proportions fixed at the period when such union, were formed, and in others a part of such expenses is so levied, and a part subjected to variations at stated periods: And whereas some of the parishes of such unions have contributed and still continue to contribute, as their fixed proportion of the general fund, a sum much larger, and others a sum much less, than the actual expense incurred for the relief of the poor belonging to them respectively; for remedy thereof be it enacted, that it shall be lawful for the said commissioners, as soon as conveniently may be after the passing of this act, to cause an inquiry to be made and an account rendered, as far as it may be practicable to render the same, by the visitors, directors, acting guardians, or other officers of such parishes or unions respectively, of the expense incurred for the relief of the poor belonging to each parish within any such union, whether such poor shall have been relieved in or out of such parish respectively, or in or out of any united workhouse, and whether such expense has been paid by the general fund of such union or the parochial funds of any of the parishes thereof, or by any private rate, or general subscription in lieu of a rate, among the rate-payers of any such parish, and whether passed through the books or paid under the control of the managers or officers of

such union, or not, for the period of three years ending on the twenty-fifth day of March, one thousand eight hundred and thirty-four, including therein a due proportion of the expense of maintaining the united workhouses and establishment of such union, calculated according to the actual expense otherwise incurred for the relief of the poor belonging to each such parish; and the average annual amount of such expense shall be deemed and taken to have been the annual expense incurred by such parish on account of its poor, notwithstanding such parish may have contributed a greater or smaller sum than such annual average to the general funds of the union during such period; and such annual average, so ascertained as aforesaid, shall, if the said commissioners shall see fit, and to such extent only as they may direct, be deemed and taken as the fixed proportion to be contributed and paid by each such parish respectively towards a common fund for the future hiring, maintaining, and upholding, repairing, altering, or enlarging of any workhouse, and the renting of any land used by such union at the passing of this act, and for the purchasing, building, hiring, maintaining, upholding, repairing, altering, or enlarging of any new workhouse or workhouses, or other place for the reception and relief of the poor belonging to the parishes of such union, and for the renting or purchase of any lands or tenements under or by virtue of the provisions of this act, and the payment or allowance of any officers of such union, and the providing of utensils or materials for setting the poor on work therein, and for any other expense to be in future incurred for the common use or benefit of such parishes, and in addition to the cost or proportion of cost of the poor of such parishes who shall be maintained or relieved in or out of any workhouse of such union, for which each such parish shall in future be charged separately; any provision or enactment in the said recited act or in any such local acts to the contrary notwithstanding: Provided always, and the said commissioners are hereby authorized, if they see fit, but not otherwise, upon the application of the guar-

dians of any such last-mentioned union, or of the overseers of any parish forming part of the same, or without such application, from time to time to cause an inquiry and calculation to be made, and average ascertained, for the three years ending on the twenty-fifth day of March next preceding such inquiry, of the expense incurred by each such parish, as well in respect of its contribution to such common fund as of the cost, or proportion of cost, of its poor, which shall have been maintained or relieved in or out of any workhouse of such union during such period of three years ; and from and after the ascertaining of such average or of any succeeding average, the respective parishes of such union shall contribute and be assessed to the common fund thereof, for the purposes of which such common fund is hereinbefore declared to be applicable, in the proportions which the expense of such parishes shall be found to have borne to each other during such period, upon the average which shall have been so last ascertained, until a like inquiry shall be again made, and a new average and proportion ascertained for the future assessment of such parishes to such common fund: Provided always, that nothing herein contained shall extend to any parishes already formed, or hereafter to be formed into a union for the purposes of settlement or rating, or where the annual assessment is directed to be indifferently proportioned between the several parishes composing such unions.

*Parliamentary Return to be Evidence of Actual Expense of Poor to each Parish.*

XXX. And for facilitating the inquiries directed by this act, be it enacted, that unless and until they shall be proved to the satisfaction of the said commissioners to be incorrect, the returns made to parliament of the sums expended for the relief of the poor of any parish for the last three years previous to the passing of this act shall be deemed to be the actual expense incurred by each such parish respectively during that period for the purposes aforesaid, and on account of the poor belonging to such parish respectively, and shall be taken as

the ground on which such averages shall be calculated and ascertained.

*Power to dissolve, add to, or take from any Union; and thereupon to make Rules adapted to its altered state.— Rights and Interests of Parishes, and Claims on them, to be ascertained and secured. Dissolution or Alteration not to affect Rights of Third Parties, nor take place without the consent of Guardians.*

XXXII. That it shall be lawful for the said commissioners, from time to time, by order under their hands and seal, to declare any union, whether formed before or after the passing of this act, (except when united for the purposes of settlement or rating,) to be dissolved, or any parish or parishes, specifying the same, to be separated from or added to any such union, and, as the case may be, such union shall thereupon be dissolved, or such parish or parishes shall thereupon be separated from or added to such union accordingly; and the said commissioners shall in every such case frame and make such rules, orders, and regulations as they may think fit for adapting the constitution, management, and board of guardians of every such union, from or to which there shall be such separation or addition as aforesaid, to the altered state of the same, and every such union shall, after every such alteration, be constituted, managed, and governed, as if the same had been originally formed in such altered state; and in case any union shall be wholly or partially dissolved as aforesaid, then the parishes constituting, or, in case of a partial dissolution, separated from any such union, shall thenceforth be subject to be re-united, or united with other parishes or unions, or otherwise dealt with according to the provisions of this act, as the said commissioners shall think fit: Provided always, that in every such case the said commissioners shall and they are hereby required to ascertain the proportionate value to every parish of such union of the workhouses, or other property held or enjoyed by such union for the use of the poor, or benefit

of the rate-payers therein, and also the proportionate amount chargeable on every parish in respect of all the liabilities of such union existing at the time of such dissolution or alteration of the same, and the said commissioners shall thereupon fix the amount to be received or paid, or secured to be paid, by every parish affected by such alteration ; and the sum to be received, if any, by such parish, shall be paid, or, as the said commissioners shall direct, be secured to be paid, to the overseers or guardians of the same, for the benefit of such parish, and in diminution of the rates thereof, and of the expense attending such alteration ; and the sum to be so paid or secured to be paid, by every such parish, shall be raised, under the direction of the said commissioners, by the overseers or guardians of such parish, or charged on the poor-rates of such parish, as the said commissioners may see fit, and shall be paid or secured for the use and benefit of the union from which the same parish shall have been so separated, or of the persons or parishes otherwise entitled thereto, as the case may be : Provided always, that no such dissolution or alteration of the parishes constituting any such union, nor any addition thereto as aforesaid, shall in any manner prejudice, vary, or affect the rights or interests of third persons, unless such third persons, by themselves or their agents, shall consent in writing to such dissolution or proposed alteration or addition ; and that no such dissolution, alteration, or addition shall take place or be made unless a majority of not less than two thirds of the guardians of such union shall also concur therein ; and in every such case, when the said majority of the guardians of such union shall so concur in such proposed alteration, the terms on which such concurrence shall have been given, if approved by the said commissioners, shall be binding and conclusive on the several parishes of such union.

*United Parishes may be One Parish for Purposes of Settlement. Rate of each Parish.*

XXXIII. That in any union already formed, or which may hereafter be formed, in pursuance of or under the

provisions of this act, it shall be lawful for the guardians elected by the parishes forming such union, by any writing under the hands of all such guardians, to agree, subject to the approbation of the said commissioners, for or on behalf of the respective parishes forming such union, that for the purposes of settlement such parishes shall be considered as one parish ; and in such case such agreement, having been first signed by the said guardians, shall be signed and sealed by the said commissioners, and one part thereof shall be deposited with the said commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the said commissioners, deposited with the clerk of the peace of the county, riding, division, district, or liberty in which the parishes of such union shall be respectively situate ; and the said clerk of the peace shall and is hereby required, upon the receipt of such agreement, or counterpart or counterparts thereof, to file the same with the records of such county, riding, division, district, or liberty ; and from and after the depositing of the same as aforesaid the said agreement shall for ever thereafter be binding on each of such parishes, and shall not be revoked or annulled ; and the settlement of a poor person in any one of the parishes of such union shall be considered, as between such parishes, a settlement in such union, and the expense of maintaining, supporting, and relieving every such poor person, and all other expenses of maintaining, supporting, and relieving the poor to which any one of such parishes shall be liable after the depositing of such agreement, part or counterpart as aforesaid, or of ascertaining, litigating, or adjudging the settlement of any poor person in any of such parishes, shall form part of the general expenses and be paid out of the common funds of such union : Provided always, that wherever such agreement is entered into as aforesaid, the rate or proportion of contribution to such common funds to be thereafter paid by each of the parishes of such union shall be ascertained and fixed in like manner as in and by this act is provided for in cases where any union of

parishes is made or proposed to be made under the provisions thereof, and shall not be subject to further variation.

*Union may be One Parish for Purpose of Rating, with Consent of Guardians.—Agreement and Counterpart for such Rating to be deposited with Clerk of the Peace.*

XXXIV. That where the parishes of any union shall be situate within the same county, riding, division, district, or liberty, under the jurisdiction of the same justices of the peace, it shall and may be lawful for the guardians elected by the parishes forming such union, by any writing under the hands of all such guardians, to agree, with the approbation of the said commissioners, for or on behalf of the respective parishes for which they shall so act as guardians, that, for the purposes of raising in common the necessary funds for the relief of the poor of such union, such parishes shall be considered one parish; and in such case such agreement, having been first signed by the said guardians, shall be signed and sealed by the said commissioners, and one part thereof deposited with the said commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the said commissioners, deposited with the clerk of the peace of the county, riding, division, district or liberty, counties, district or districts, in which the said parishes of such union shall be situate; and the said clerk or clerks of the peace shall and is and are hereby required, upon the receipt of such agreement, part or counterpart, to file the same with the records of such county, riding, division, district, or liberty, or counties, district or districts, and from and after the depositing and filing of such last-mentioned agreement or counterpart the same shall be for ever binding upon such parishes, and shall not be revoked or annulled.

*Guardians to ascertain and assess Value of Property.—Rates to be allowed as Poor Rates.*

XXXV. That after such depositing and filing of the said agreement, part or counterpart, the said guardians

shall, under such regulations as the said commissioners shall in that respect prescribe, proceed to ascertain and assess the value of the property in the several parishes of such union rateable to the relief of the poor, and to cause to be made such surveys and valuations of the said property, or any part thereof, as may be necessary, from time to time, to make a fair and just assessment upon the said united parishes in respect of such property so rateable as aforesaid; and all rates grounded on every such valuation or assessment shall be made, allowed, published, and recovered in such and the same manner as rates for the relief of the poor are now by law made, allowed, published, and recovered; and the rate-payers shall have the like power of appeal against such last-mentioned rates as any persons now have against rates made for the relief of the poor.

*Expenditure for the Poor in Unions to be in Common.—Expense of Valuation.—Proviso for Consent of Parishes not represented by Guardian.*

XXXVI. That after any such common rate shall have come into operation, the proportions of contribution fixed at the period of uniting such parishes, or existing at the time of such last-mentioned agreement for a common rate, shall wholly cease; and all expenditure in respect of the poor of such union, and chargeable in any way on the rates of the respective parishes thereof, shall be deemed and be the common expenditure of such union, and be chargeable upon and paid out of the common or general fund to be raised upon such parishes under such common rate, according to the valuation or assessment of the rateable property in such parishes so ascertained, confirmed, and allowed by the said justices from time to time in manner herein before provided: Provided always, that the expense of every such valuation shall at all times be a charge on the common rate of such parishes: Provided always, that in case any parish of any union, at the period of entering into such agreement for the purposes of settlement or a common rate, shall not be represented by a



guardian elected solely by such parish, such parish shall not be bound by any such agreement, unless a majority of the owners of property and rate-payers in such parish, entitled to vote in the manner provided by this act, shall, by their votes in writing, testify their assent to such agreement in such form as the said commissioners shall prescribe; and in case such assent shall not be so given, such parish shall be wholly omitted from such agreement, and be liable to pay such proportion only of common assessment as it was bound to pay upon the forming of the union of such parishes.

*No Union to be formed without Consent of Commissioners.*

XXXVII. That from and after the passing of this act no union or incorporation of parishes shall be formed under the provisions of the said act made and passed in the 22<sup>nd</sup> year of the reign of his late majesty King George the Third, without the previous consent of the said commissioners, testified under their hands and seal.

## VII. REMOVALS, AND APPEALS ON REMOVALS.

According to the law, as it existed before the present act, upon complaint made by the churchwardens and overseers, to one justice, within forty days after a poor person coming to reside in a tenement under £10 a year, any two justices of the district, &c., might, on his being likely to become chargeable to the parish, remove such poor person to the place of his last legal settlement; and if the pauper refused to go, or returned, he might be committed as a vagabond; (13 & 14 Car. II., cap. 12, ss. 1 & 3.)

But by the 35 Geo. III., cap. 101, the power of removing persons, *until actually chargeable*, was abolished. By ss. 5 & 6 of that act, however, persons convicted of felony or larceny, rogues, vagabonds, idle and disorderly persons, and reputed thieves, were to be deemed actually chargeable. And so were all unmarried women with child. The order of the justices was to be conclusive as to settlement, if no appeal followed the removal.

On this subject the commissioners, in their report, observe:—

“We recommend that, instead of the present mode of first removing a pauper, and then inquiring whether the removal was lawful, the inquiry should precede the removal. We find this measure in a bill brought into the House of Commons in 1819, and printed in the parliamentary papers of that year, No. 211. That bill empowers the justice who shall order a removal to suspend its execution, and to forward (which might be effected through the Post Office,) a copy of the examination of the pauper, and of the order of removal, to the overseers of the parish in which the pauper has

been adjudged to be settled. It then enables the parties who think themselves aggrieved by the order to appeal to the quarter sessions within twenty-eight days, and the sessions to decide on the question as if the removal had actually taken place. In the absence of appeal, the order to be conclusive. The expediency of this measure is so obvious, that it is difficult to account for its rejection in 1819, unless we are to believe a tradition, that it was defeated by a combination of persons interested in creating litigation and expense.

"It will be observed, that in our exposition of the evils arising from the law of settlements, we have not dwelt on the expense of litigation and removals. We have passed it over slightly, not because we doubt its magnitude, but because we believe that in this, as in every other branch of the evils connected with the administration of the poor laws, the pecuniary loss, great as it may be, is utterly unimportant when compared with the moral mischief. The collection, burdensome as it is, is far less ruinous than the expenditure. If twice the number of millions were annually thrown into the sea, we might still be a moral, industrious, and flourishing nation. But if the whole of our poor rates could be raised without inconvenience; if they were paid to us, for instance, as a tribute by foreigners, and were still applied as they are now applied, no excellence in our laws and institutions in other respects could save us from ultimate ruin. And we must add, that we think it would be rash to expect, from the alterations which we have recommended in the law of settlement, much diminution of expense.

"Some diminution, however, we anticipate from them, particularly with respect to litigation. The simplicity of the rule which we propose will exclude all questions of law, and in all cases reduce the ques-

tion to a matter of fact; and when a general registration of births shall have been established, a measure which cannot be long delayed, the proof of the fact of birth will be much easier. We anticipate, however, a much further diminution both of litigation and removals, from the operation of our general measures. In proportion as there is an approximation to uniformity of management, the motives on the part of paupers, to shift from a parish where there may be rigid management, or 'a bad parish,' to a parish where there is profuse management, or 'a good parish,' will decrease. In proportion as there is approximation to our main object, that of rendering the condition of the able-bodied pauper less eligible on the whole than that of the independent labourer, it is proved by all experience, that the able-bodied will cease to avail themselves of any settlement whatever, whether immediate or distant.

The enactments of the new statute on the subjects of removals and appeals are as follow:—

1. By a clause of the 69th section, it is provided, "That so much of any such act or acts as renders an *unmarried woman with child* liable as such to be summoned, examined, or *removed*, or as renders the mother of any bastard liable as such to be imprisoned or otherwise punished, shall, so far as respects any child which shall be likely to be born a bastard after the passing of this act, or the mother or putative father of such child, be, and the same is hereby repealed." See title, *BASTARDY*, page 81.

The other new provisions are contained in the ensuing sections:—

*No Person to be removed till after Notice of his being chargeable has been sent to the Parish to which Order of Removal is directed.—Such Person may be removed if Order submitted to; but not in case of Appeal.*

LXXIX. That from and after the first day of No-

venner, one thousand eight hundred and thirty-four, no poor person shall be removed or removeable, under any order of removal from any parish or workhouse, by reason of his being chargeable to or relieved therein, until twenty-one days after notice in writing of his being so chargeable or relieved, accompanied by a copy or counterpart of the order of removal of such person, and by a copy of the examination upon which such order was made, shall have been sent by post or otherwise, by the overseers or guardians of the parish obtaining such order, or any three or more of such guardians, to the overseers of the parish to whom such order shall be directed: Provided always, that if such overseers or guardians as last aforesaid, or any three or more of such guardians, shall by writing under their hands agree to submit to such order, and to receive such poor person, it shall be lawful to remove such poor person according to the tenor of such order, although the said period of twenty-one days may not have elapsed: Provided also, that if notice of appeal against such order of removal shall be received by the overseers or guardians of the parish from which such poor person is directed in such order to be removed within the said period of twenty-one days, it shall not be lawful to remove such poor person until after the time for prosecuting such appeal shall have expired, or, in case such appeal shall be duly prosecuted, until after the final determination of such appeal.

*In case of Appeal, the Overseers to have access to such poor Person, touching his Settlement.*

LXXX. That the overseers or guardians of the parish giving such notice of appeal, or their attorney, or any other person authorized by them, shall, until such appeal shall have been heard and decided, at all proper times, have free access to such poor person for the purpose of examining him touching his settlement; and in case it shall be necessary for the more effectual examination of such person that he should be taken out of the removing

parish, such overseers or guardians shall be permitted to remove him therefrom for the time which may be necessary for that purpose : Provided always, that the expense of such removal, and of his maintenance during the same, shall be defrayed by the appellant parish.

*Grounds of Appeal to be stated in Notice.*

LXXXI. That after the first day of November one thousand eight hundred and thirty-four, in every case where notice of appeal against such order shall be given, the overseers or guardians of the parish appealing against such order, or any three or more of such guardians, shall, with such notice, or fourteen days at least before the first day of the sessions at which such appeal is intended to be tried, send or deliver to the overseers of the respondent parish a statement in writing under their hands of the grounds of such appeal ; and it shall not be lawful for the overseers of such appellant parish to be heard in support of such appeal unless such notice and statement shall have been so given as aforesaid : Provided always, that it shall not be lawful for the respondent or appellant parish, on the hearing of any appeal, to go into or give evidence of any other grounds of removal, or of appeal against any order of removal, than those set forth in such respective order, examination, or statement as aforesaid.

*Parish losing Appeal to pay such Costs as Court may direct.*

LXXXII. That upon every such appeal the court before whom the same shall be brought shall and may, if they think fit, order and direct the parish against which the same shall be decided to pay to the other such costs and charges as may to such court appear just and reasonable, and shall certify the amount thereof ; and in case the overseers of the poor of the parish liable to pay the same shall, upon demand, and upon the production of such certificate, refuse or neglect to pay the same, the amount thereof may be recovered from such overseer in the same manner as any penalties or forfeitures are by this act recoverable.

*Party appealing on vexatious rounds to pay Costs.*

LXXXIII. That if either of the parties shall have included in the order or statement sent as herein-before directed, any grounds of removal or appeal which shall, in the opinion of the justices determining the appeal, be frivolous and vexatious, such party shall be liable, at the discretion of the said justices, to pay the whole or any part of the costs incurred by the other party in disputing any such grounds; such costs to be recovered in the manner herein-before directed as to the other costs incurred by reason of such appeal.

*Costs of Relief to be paid by Parish to which poor persons belong. Relief under suspended Order not to be recoverable unless Notice sent of such order.*

LXXXIV. That the parish to which any poor person whose settlement shall be in question at the time of granting relief shall be admitted or finally adjudged to belong shall be chargeable with and liable to pay the cost and expense of the relief and maintenance of such poor person, and such cost and expense may be recovered against such parish in the same manner as any penalties or forfeitures are by this act recoverable: Provided always, that such parish, if not the parish granting such relief, shall pay to the parish by which such relief shall be granted the cost and expense of such relief and maintenance from such time only as notice of such poor person having become chargeable shall have been sent by such relieving parish to the parish to which such poor person shall be so admitted or finally adjudged to belong: Provided always, that no charges or expenses of relief or maintenance shall be recoverable under a suspended order of removal, unless notice of such order of removal, with a copy of the same, and of the examination upon which such order was made, shall have been given within ten days of such order being made to the overseers of the poor of the parish to which such order is directed.

## VIII.—OVERSEERS.

Respecting these officers, the Poor Law Commissioners report :—" As the law now stands, the overseers are to make, assess, collect, and distribute the fund for the relief of the poor. They are to decide, in the first instance, what amount of money is wanted, what persons are to pay it, and in what proportions; they are to enforce payment of it from those persons, and they are to dole it out to those whom they think proper objects of relief, so as to satisfy what they think the necessities of those objects. Where a select vestry exists, they are desired, by the 59 Geo. 3, c. 12, to conform to the directions of that vestry; but as the act does not put an end to their responsibility, or enact any penalty for their non-conformance, this clause, though productive of important results in practice, appears to want legal sanction.

"The office is annual, and sometimes lasts only six, or four, or even three months, it being in some places the practice to appoint two or three, or even four every year, each of whom serves for only half a year, or four months, or only three. The persons appointed are in general farmers in country places, and shopkeepers or manufacturers in towns.

"If they refuse or neglect to serve, they may be indicted or fined, but they receive no remuneration for serving.

"Such agents must often be prevented, by their other avocations, from giving the time necessary to the vigilant and effectual performance of their duties; neither diligence nor zeal are to be expected from persons on whom a disagreeable and unpaid office has been forced, and whose functions cease by the time that they have begun to acquire a knowledge of



them ; and even when zealous and diligent, they must often fail from want of experience and skill. To these sources of mal-administration may be added the danger of the parochial fund being misapplied, either in the way of actual embezzlement, or, what is more frequent, through jobbing or partiality and favouritism, or through the desire of general popularity, or through the fear of general unpopularity, or of the hostility of particular individuals.

“The only checks, then, on their profusion or partiality, or fraud, are the share which they bear as rate-payers in the burthen, and the necessity of annually submitting their accounts to the vestry, and having them allowed by the magistrates.

“On the other hand, if the overseers refuse relief, or grant less than the applicant thinks himself entitled to, they may be summoned before justices to defend themselves against the charge of inhumanity and oppression ; and if they do not comply with the magistrates’ order, they are punishable by indictment or fine ; and, unhappily, the applicant who has been refused relief has frequently recourse to a much more summary remedy than the interference of the magistrates. The tribunal which enforces it sits, not at the petty sessions, but at the beer shop ; it compels obedience, not by summons and distress, but by violence and conflagration. The most painful and the most formidable portion of our evidence consists of the proof, that in many districts the principal obstacle to improvement is the well-founded dread of these atrocities.

“The circumstances which are admitted to render the annual overseer inefficient are, change, difference of opinion in a successor or a colleague, and the appointment of persons who supply the poor with goods, and thus have a direct interest in giving them money from the poor-rate.”

“ ‘There are, in Clerkenwell parish, six overseers annually appointed; and it has been the practice—a very injurious one, in my belief—that each overseer should take the duty of relieving the poor for one month by turns : the consequence is, that all the evils which attach to the ordinary cases of overseers acting for a year—namely, their necessary ignorance of the parties with whom they have to deal, and their inability to give up sufficient time to become acquainted with them—are aggravated in a six-fold degree. When I state to the Commissioners what occurred to myself last month, the second month I took the duty, it will be seen how impossible it is that an overseer should know all that he ought to know about the parties whom he relieves.’

“ ‘In that month I relieved, with sums under 2s. 6d. each, 472 persons, whose families amounted, in the aggregate, to 1097; this relief amounted to £101 13s. In sums of above 2s. 6d. each, I distributed £67 13s. 10½d. within the same period. This money was issued entirely at my own discretion; the parties were very nearly all the same persons that I relieved in the first month of my duty, when I saw them for the first time in my life; most of these parties were therefore relieved by me on the first occasion, upon evidence little better than that afforded by their own statements; and this must be the case with all other overseers annually appointed. It is a general complaint among overseers, at least among those who accept the office with the object of duly applying the parish funds, that it is impossible for them to do the duties assigned to them effectually.’

“ ‘Besides the casual relief issued as above-mentioned, upon my sole responsibility, and without control, there were paid, in the same month of December, £361 12s. 6d. in weekly pensions, and £122 1s. 6d. for bastards\*.’”

\* Mr. Whipple's evidence.

“We have, in St. Andrew, Holborn, and St. George the Martyr, no checks upon the payments made by our overseers either to the weekly casuals, or to the mere casual poor. In the course of my long experience, I have known many overseers, men in trade or otherwise, who have been obliged to leave the management of the parochial fund, so far at least as regards the payments made to the casual poor, to their wives, children, or shopmen. It is a very common remark with overseers, ‘Well, you have imposed a very unpleasant duty on me, and I shall endeavour to get through it with as much comfort to myself as possible.’” Another objection is, that they are sometimes taken from poor neighbourhoods, in which case it commonly occurs that some of their customers are among the paupers who apply to them for relief\*.

“I am one of the three annual overseers (of Wandsworth) who each take four months of duty. I am a tradesman, and I cannot give much time to inquiry; besides, as I am only employed four months, I cannot learn any thing of the habits and characters of the people†.

“I (says Mr. Codd, in his report on the Western Division of the Metropolis) would take from the annual overseers the administration of relief: first, because they are appointed for a year, and in many instances divide their time with their brother overseers, so as to restrict their periods of active service even to two or three months, and it is, therefore, quite impossible that they should acquire any adequate knowledge of the paupers with whom they have to do, and by whom they are in consequence imposed upon to a lamentable extent; next, because they are honorary officers, who are generally dependent on other employments for their support, and whose whole time

\* Mr. Wilks's evidence.

† Mr. Nicholson's evidence.

and attention cannot be given to the performance of their duties, even for those short periods during which they undertake to transact them ; they therefore either neglect them, devolve them upon others, or perform them unwillingly ; and, lastly, because they are members of the parochial boards by which their conduct and accounts are, for the most part, to be canvassed and passed, and there is, therefore, only a very imperfect appeal as from their proceedings, either as regards the parish or the paupers.'

" 'I consider (says Mr. Chadwick) a great portion of the evils now found to exist in the operation of the Poor Laws may be ascribed to the discretionary power placed in individual irresponsible hands, and that the present laws might be rendered tolerable, and in some degree beneficial, if such power was taken from the hands of individuals and vested in a public board. My reasons for such opinion are:—

" 'That as the office of churchwarden' or overseer is generally filled by a tradesman (in the metropolitan parishes at least), frequently a retail tradesman, who is perhaps entirely dependent on the neighbourhood for success in his business, it would be matter of wonderment in the mind of any man conversant at all with the world and human nature, if, in some cases at least, the funds which such persons have the right of disposing of with impunity, are not dispensed at the dictation of other motives than the desire of relieving the distressed ; if partiality towards particular individuals is not frequently found directing the hand which holds the parish purse ; and if the funds are not often bestowed, from motives of self-interest, on most improper and underserving objects belonging to the same religious society. I look upon the tradesman that fills the office of overseer (says Mr. Brushfield) as holding a place of temptation to serve his own interests, to show partiality to his circle of

favourites; and I am sure no man ever filled the office that was more just, upright, and impartial than the discretionary powers appended to the office would lead men acquainted with mankind and social life to suppose or expect him to be. I say this much from personal proofs of its operations on a tradesman, being myself a tradesman. When I served the office of overseer, I was incessantly importuned by persons that I knew had no need of it, for assistance, or 'a trifle,' as they would say, or a pair of shoes, or some article of clothing, with this universally-used argument in favour of their claim, 'I have *dealt* with you a many years, never lay out a farthing any where else, and I never *did* have any thing from the parish; I *know* you can do it if you like, and it is nothing out of *your* pocket;' and they give pretty broad hints that if you do *not* comply with their requests, they will never lay out another farthing with *you*. I lost many customers by my non-compliance with their importunities, and I am certain that every overseer similarly situated must feel the same inconvenience which I felt. Sometimes persons on whom you are in some way dependent apply to you in behalf of some *of their* favourites, and you are placed in a very awkward predicament as to how to act. You do not wish to offend your friend, and you do not wish to do wrongfully with the parish money. Here stands the balance of the matter; which of the two impressions kicks the beam? By adopting one plan, you wrong the parish, and are an unworthy steward; by adopting the other, you perhaps sacrifice your best prospects in life, and injure your family\*.

“The tone assumed (remarks Mr. Power, in his report from Cambridge) by the paupers towards those

\* Mr. Chadwick's Report, evidence of Mr. Brushfield, of Spitalfields.

who dispense relief is generally very insolent, and often assumes even a more fearful character. At Great Gaddesden, the overseer's wife told me that, two days before my visit there, two paupers came to her husband demanding an increase of allowance; he refused them, showing at the same time that they had the full allowance sanctioned by the magistrates' scale; they swore, and threatened he should repent of it; and such was their violence that she called them back, and prevailed on her husband to make them further allowance. Mr. Faircloth, by a stricter system of relief, and affording more employment, reduced the rates at Croydon; he became unpopular among the labourers, and, after the harvest, they gathered in a riotous body about his thrashing-machine, and broke it to pieces. At Guilden Morden, in the same neighbourhood, a burning took place of Mr. Butterfield's stacks, to the amount of £1,500 damage. Mr. Butterfield was overseer, and the magistrates have committed, on strong circumstantial evidence, a man to whom he had denied relief, because he refused to work for it. I have found, and it is not to be wondered at, that the apprehension of this dreadful and easily perpetrated mischief has very generally affected the minds of the rural parish officers, making the power of the paupers over the funds provided for their relief almost absolute, as regards any discretion on the part of the overseer."

After this able summary of the duties of overseers as regards the making and distribution of the poor-rates, and the exposition, from the evidence, of the numerous temptations which beset them in the execution of their office, it remains only for us to show to what extent the new act has limited their powers as to the administration of future relief to the poor, and how far the legislature has endeavoured to obviate many of the other objections to the system which has

so long prevailed—especially by rendering overseers amenable, as regards the distribution of relief; to the control and direction of the Poor Law Commissioners.

In parishes or unions in which the poor are under the management of guardians or a select vestry, the overseers are not to intermeddle with the relief of the poor, unless in some particular cases they have directions from the guardians to do so; except in cases of sudden and urgent necessity; or where a justice of peace orders medical relief, in cases of sudden and dangerous illness; or where, in unions under the new act, two justices order relief to adult persons, who, from age or infirmity, shall be wholly unable to work. See section 54, quoted at large, under the head of **RELIEF TO THE POOR**; and section 27, under the head of **UNIONS OF PARISHES**.

By the 95th section of the act, “if any overseer of any parish or union wilfully disobey the legal and reasonable orders of justices and guardians, in carrying the rules, orders, and regulations of the commissioners or assistant commissioners, or the provisions of this act, into execution, every such offender shall, upon conviction before any two justices, forfeit and pay for every such offence, any sum not exceeding £5.”

Provided always, and be it further enacted, that no overseer shall from henceforth be liable to any prosecution or penalty for not carrying into execution any illegal order of such justices or guardians, any law or statute to the contrary notwithstanding (Ibid, section 96).

With respect to the accounts of overseers, the following is the new enactment:—

*Overseers, &c. to pass Accounts quarterly.—Recovery of Balances.—Surety not to be discharged.*

**XLVII.** That every overseer, treasurer, or other person having the collection, receipt, or distribution of the monies assessed for the relief of the poor in any parish

or union, or holding or accountable for any balance or sum of money, or any books, deeds, papers, goods, or chattels relating to the relief of the poor, or the collection or distribution of the poor-rate of any parish or union, shall once in every quarter, in addition to the annual account now by law required, and where the rules, orders, and regulations of the said commissioners shall have come in force, then as often as the said rules, orders, and regulations shall direct, but not less than once in every quarter, make and render to the guardians, auditors, or such other persons as by virtue of any statute or custom, or of the said rules, orders, or regulations, may be appointed to examine, audit, allow, or disallow such accounts, or in default of any such guardian, auditor, or other person being so appointed as aforesaid, then to the justices of the peace at their petty sessions for the division in which such parish or union shall be situate, a full and distinct account in writing of all monies, matters, and things committed to their charge, or received, held, or expended by them on behalf of any such parish or union, and if thereunto required by the justices, guardians, auditors, or other persons authorized in that behalf, shall verify on oath the truth of all such accounts and statements from time to time respectively, or subscribe a declaration to the truth thereof, in manner and under the penalties in this act provided for parties giving false evidence or refusing to give evidence under the provisions of this act; and all balances due from any guardian, treasurer, overseer or assistant overseer, or other person having the control and distribution of the poor-rate, or accountable for such balances, may be recovered in the same manner as any penalties and forfeitures are recoverable under this act: Provided, nevertheless, that no proceeding shall exonerate or discharge the liability of the surety of any such treasurer, overseer, assistant overseer, or other person as aforesaid.

By section 55, it is enacted that, on such day as the commissioners shall appoint, the overseers of the



poor of every parish or union shall register in a book (to be provided at the expense of the parish and kept specially for the purpose), the name of every poor person then in the receipt of relief in such parish, &c., out of the workhouse, together with such particulars respecting the family and settlement of every such poor person, and his and their relief and employments, as the said commissioners shall think fit; and after such account shall have been so taken and registered as aforesaid, a similar register and account shall be kept of all persons who shall receive relief, when and as often as such relief shall be granted."

By the 97th section, "If any overseer, assistant-overseer, &c., shall purloin, embezzle, or wilfully waste or misapply any of the monies, goods, or chattels, belonging to any parish or union, every such offender shall, besides and in addition to such pains and penalties as, independently of this act, he shall be liable to, upon conviction before any two justices, forfeit and pay, for every such offence, any sum not exceeding £20, and also treble the amount of such money, goods, &c., and be for ever after incapable of serving any office under the provisions of this or any other act in relation to the relief of the poor."

See also section 98, under the head of PENALTIES, as to disobeying order, &c., of commissioners.

With respect to payments made contrary to the act, we have the following section :—

*Payments contrary to this Act to be disallowed.*

**LXXXIX.** That all payments, charges, and allowances made by any overseer or guardian, and charged upon the rates for the relief of the poor, contrary to the provisions of this act, or at variance with any rule, order, or regulation of the said commissioners made under the authority of this act, shall be and the same are hereby declared to be illegal, any law, custom, or

usage to the contrary notwithstanding; and every justice of the peace is hereby required to disallow, as illegal and unfounded, all payments, charges, or allowances contrary to the provisions of this act, or to any such rule, order, or regulation of the said commissioners, which shall be contained in any account of any overseer of the poor or guardian which shall be presented for the purpose of being passed or allowed: Provided always, that no allowance by any justice shall exonerate or discharge such overseer or guardian from any penalty or legal proceeding to which he may have rendered himself liable by having acted contrary to the rules, orders, and regulations of the said commissioners, or to the provisions of this act.

The 77th section prescribes the penalty on parish officers supplying goods to parishes for their own profit, in the following words:—

*No Person employed in administration of Poor Laws to furnish, for his own Profit, Goods or Provisions given in Parochial Relief.*

LXXVII. That it shall not be lawful for any person hereafter to be appointed in any parish or union to any office concerned in the administration of the laws for the relief of the poor, or for any person who, after the 25th of March, 1835, shall fill any such office, to furnish or supply, for his own profit or on his own account, any goods, materials, or provisions ordered to be given in parochial relief, or to furnish or supply any goods, materials, or provisions for or in respect of the money ordered to be given in parochial relief to any person in such parish or union; and every person holding such office shall, on conviction before any two justices of the peace, be subject to a penalty of five pounds for such offence, one half of which penalty shall be paid to the informer, and the other half in aid of the poor rates of such parish or union.

In parishes not under the management of guardians

or a select vestry, the entire management of the poor, as well as the making and collecting the poor-rates, devolves still upon the overseers, subject, however, to the control of, and to the rules, regulations, &c., to be issued from time to time by, the Poor Law Commissioners.

## IX. GUARDIANS.

By the 22 Geo. III., cap. 83, whenever two thirds in number and value of the owners or occupiers of lands, &c., within any parish, who shall actually attend a public meeting holden under the directions of the act, shall signify their desire to adopt its provisions, and shall at such meeting nominate to the justices three persons for guardians, and fix salaries to be paid to them (with the concurrence in writing of two justices to such agreement and salaries), they shall thenceforth be entitled to the benefits of the act.

And whenever such two thirds in number and value of owners or occupiers, shall express their desire that two of the three persons so nominated may be appointed guardians, the justices may appoint two accordingly. (33 Geo. III., cap. 35, s. 2.)

In like manner, four or more fit persons may be nominated to the justices, who may appoint such and so many of them to be guardians as they may think fit. (41 Geo. III., cap. 9, s. 1.)

And where guardians are so appointed, neither the churchwardens nor overseers can legally intermeddle in the management of the poor. The guardians are invested with all the powers of overseers, except as to making and collecting rates, which, for the maintenance, &c. of the poor, are to be made and collected by the churchwardens and overseers, but paid over, from time to time, to the guardians, in such manner and amount as may be necessary for the expenses of the poor and poor-house. (22 Geo. III., cap. 83.)

By the same act, parishes might unite for the purpose of maintaining their poor in a workhouse common to each. In such cases, a guardian was

appointed for each parish, and the guardians collectively had the management of the poor ; the overseers collecting the rates, and paying proportionate sums for each parish to the treasurers of the union.

The enactments of the new act on this subject tend to encourage an extension of this system, and prescribe the mode for the future election of guardians, &c., both for unions and single parishes. The following are the sections of the new statute relating to this subject:—

*Constitution and Election of Board of Guardians for Unions.*

XXXVIII. That where any parishes shall be united by order or with the concurrence of the said commissioners for the administration of the laws for the relief of the poor, a Board of Guardians of the Poor for such union shall be constituted and chosen, and the work-house or workhouses of such union shall be governed, and the relief of the poor in such union shall be administered, by such board of guardians ; and the said guardians shall be elected by the rate-payers, and by such owners of property in the parishes forming such union as shall, in manner hereinafter mentioned, require to have their names entered as entitled to vote as owners in the books of such parishes respectively ; and the said commissioners shall determine the number and prescribe the duties of the guardians to be elected in each union, and also fix a qualification without which no person shall be eligible as such guardian, such qualification to consist in being rated to the poor rate of some parish or parishes in such union, but not so as to require a qualification exceeding the annual rental of forty pounds, and shall also determine the number of guardians which shall be elected for any one or more of such parishes, having due regard to the circumstances of each such parish : Provided always, that one or more guardians shall be elected for each parish included in such union ; and such guardians, when so elected,

shall continue in office until the 25th day of March next following their appointment, or until others are appointed in their stead, and on such 25th day of March, or if that day should fall on a Sunday or Good Friday, then on the day next following, or within fourteen days next after the said 25th day of March in every year, such guardians shall go out of office, and the guardians for the ensuing year shall be chosen; and in the event of any vacancy occurring in such board by the death, removal, or registration, or refusal or disqualification to act, of any elected guardian, between the periods of such first and the next and any subsequent annual election; or in case the full number of guardians shall not be duly elected at such subsequent election of guardians for the time being, the other, or remaining members of the said board shall continue to act until the next election, or until the completion of the said board, as if no such vacancy had occurred, and as if the number of such board were complete; and every justice of the peace residing in any such parish, and acting for the county, riding, or division in which the same may be situated, shall be an *ex officio* guardian of such united or common workhouses, and shall, until such board of guardians shall be duly elected and constituted as aforesaid, and also, in case of any irregularity or delay in any subsequent election of guardians, receive and carry into effect the rules, orders, and regulations of the said commissioners; and after such board shall be elected and constituted as aforesaid, every such justice shall *ex officio* be, and be entitled if he think fit, to act as a member of such board, in addition to or in like manner as such elected guardians: Provided always, that except where otherwise ordered by the said commissioners, and also except for the purpose of consenting to the dissolution or alteration of any union or any addition thereto, or to the formation of any union for the purposes of settlement or rating, no *ex officio* or other guardian of any such board as aforesaid shall have power to act in virtue of such office, except as a member and at a meeting of such board; and no act of

any such meeting shall be valid unless three members shall be present and concur therein: Provided also, that nothing herein contained shall prevent such owners and rate-payers from re-electing the same persons or any or either of them to be guardians for the year next ensuing, nor from electing as a guardian any person who may already have been chosen as a guardian of any other parish.

*Guardians for single Parishes.*

XXXIX. That if the said commissioners shall, by any order under their hands and seal, direct that the administration of the laws for the relief of the poor of any single parish should be governed and administered by a board of guardians, then such board shall be elected and constituted, and authorized and entitled to act, for such single parish, in like manner in all respects as is herein-before enacted and provided in respect to a board of guardians for united parishes; and every justice of the peace resident therein, and acting for the county, riding, or division in which the same is situated, shall be and may act as an *ex officio* member of such board.

*At Elections of Guardians, Votes to be taken in Writing, and Owners as well as Occupiers to vote.—Scale of Voting.—Votes by Proxy.—No Rate-payer to vote unless rated One Year.*

XL. And be it enacted, that in all cases of the election of guardians under this act, or wherever the consent of the owners of property, or rate-payers, in any parish or union shall be required for any of the purposes of this act, except when otherwise expressly provided for in this act, the votes of such owners and rate-payers shall be given or taken in writing, collected, and returned, in such manner as the said commissioners shall direct; and in every such case the owner, as well as the rate-payer, in respect of any property in such parish or union, shall be entitled to vote, and the owner shall have the same number and proportion of votes respectively as is provided for inhabitants and other

persons in and by an act made and passed in the fifty-eighth year of the reign of his late majesty King George the Third, intituled "An Act for the Regulation of Parish Vestries," and in and by an act to amend the same, made and passed in the fifty-ninth year of his said late majesty; and the rate-payers under two hundred pounds shall each have a single vote; and the rate-payers rated at two hundred pounds or more, but under four hundred pounds, shall each have two votes, and the rate-payers rated at four hundred pounds or more, shall each have three votes; and the majority of the votes of such owners and rate-payers which shall be actually collected and returned shall in every such case be binding on such parish; and for the purpose of ascertaining the number of votes to which each such owner shall be entitled, the aggregate amount of the assessment for the time being of any property belonging to such owner in such parish, or on any person or persons in respect of the same, to the poor rate, shall be deemed to be and be taken as the annual value of such property to such owner; and where any such owner shall be the *bona fide* occupier of any such property, he shall be entitled to vote as well in respect of his occupation as of his being such owner: Provided always, that it shall be lawful for any owner from time to time, by writing under his hand, to appoint any person to vote as his proxy; and every such appointment shall remain in force until revoked or recalled by such owner; but no owner shall be entitled to vote, either in person or proxy, unless he shall, previous to the day on which he shall claim to vote, have given a statement in writing of his name and address, and the description of the property in the parish as owner whereof, or proxy for the owner whereof, he claims to vote, and if such proxy, the original or an attested copy of the writing appointing him such proxy, to the overseers of such parish; and the said overseers are hereby required to enter in the rate books of such parish, or in some other book to be from time to time provided for that purpose, the names and addresses of the owners and proxies who



shall send such statements, and the assessment of the rate for the relief of the poor of the property in respect whereof they respectively claim to vote: Provided also, that every person who shall not vote, or who shall not comply with the directions to be made by the said commissioners for the giving, taking, or returning of votes, shall be omitted in the calculation of votes, and considered as having had no vote on the question whereon he might have voted: Provided also, that no person shall be deemed a rate-payer, or be entitled to vote, or do any other act, matter, or thing as such, under the provisions of this act, unless he shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such rate-payer, and shall have paid the parochial rates and assessments made and assessed upon him for the period of one whole year, as well as those due from him at the time of so voting or acting, except such as shall have been made or become due within the six months immediately preceding such voting or acting: Provided always, that in cases of property belonging to any corporation aggregate, or to any joint stock or other company, no member of such corporation, or proprietor of or interested in such joint stock or other company, shall be entitled to vote as such owner in respect thereof; but any officer of such corporation, joint stock, or other company, whose name shall be entered by the direction of the governing body of such corporation or company in the books of the parish, in the manner herein-before directed with respect to the owner of property, shall be entitled to vote in respect of such property in the same manner as if he were the owner thereof.

*Elections of Guardians, Visitors, and other Officers, under the 22 Geo. 3, c. 83, or any Local Act, to be made according to the provisions of this Act.*

**XLI.** That all elections of guardians, visitors, and other officers, for the execution of any of the powers or purposes of the said recited act made and passed in the 22d year of the reign of his said late Majesty King

George the Third, intituled "An Act for the better Relief and Employment of the Poor," or of any local act of Parliament relating to poor-houses, workhouses, or the relief of the poor, or any act to alter or amend the same respectively, shall hereafter, so far as the said commissioners shall direct, be made and conducted according to the provisions of this act: Provided always, that it shall be lawful for the said commissioners, if they shall so think fit, from time to time, with the consent of the majority of the owners of property and rate-payers of any parish, or of any union now existing or to be formed under the provisions of this act, to alter the period for which the guardians to be appointed under the provisions of this act for such parish or union, or any of them, would under the provisions of this act hold office, for such other period or periods as to the said commissioners, with such consent as aforesaid, shall seem expedient, and also to make such alterations in the number, mode of appointment, removal, and period of service of the guardians, or any of them, of any parish, or of any union now existing or to be formed under the provisions of this act, as to the said commissioners, with such consent as aforesaid, shall seem expedient.

## X.—PAID OFFICERS.

On this subject, the Report of the Poor Law Commissioners states, "*We further recommend, that the Central Board be empowered to incorporate Parishes for the purpose of appointing and paying permanent Officers, and for the execution of works of public labour.*"

"We must not, however, conceal our fear, that the appointment of efficient permanent officers will be difficult.

"Those only who have a full knowledge of the peculiar nature of the duties to be performed would be qualified to judge of the fitness of the agents to perform them; a knowledge which, as it does not influence the daily practice, can scarcely be presumed to exist in the districts where abusive systems prevail. In the dispauperised parishes the appointment of fitting officers was found to be attended with great difficulty, and was rarely accomplished without opposition. The person appointed as the permanent overseer and master of the workhouse at Hatfield had been a drill-sergeant in the Coldstream Guards. One of the witnesses states,—

"*'That the parish was entirely indebted for the change to the talents and personal energy applied to the work by the Marquis of Salisbury, and to the peculiar personal qualifications of the person appointed by him to serve the office of permanent overseer. This appointment would never have been made had the matter been left in the hands of the rate-payers at large. Many of them openly said that a stranger ought not to be brought into the parish; that they ought to appoint a person from amongst themselves, some poor*

person, who wanted a comfortable home ; when the duties of the office required a person of peculiar firmness and habits of command, and were such as ninety-nine out of a hundred in the parish would have been unable to execute.'

"The success of this appointment occasioned similar appointments to be made in some adjacent parishes, where the larger proprietors attempted to amend the administration. The Honourable and Reverend Robert Eden states, that in Hertingfordbury,

"A permanent overseer was appointed, who was also to collect the rates in the adjoining parishes of Bayford and Little Berkhamstead, and to keep the accounts, and superintend men employed at parish work. He had been a pay-serjeant in the Guards; his appointment was opposed chiefly on the ground of his being a stranger.'

"The Reverend Ralph Clutton, curate of Welwyn, states,—

"A permanent overseer has been appointed, who is also the governor of the poorhouse; he was serjeant in the Coldstream Guards, a married man, and not a parishioner. It is to the efficiency of himself and his wife that the success of the undertaking thus far must in a great measure be attributed. His chief qualifications are firmness, order, clearness and accuracy in his accounts, unconquerable resolution and integrity; and, on the part of his wife, extraordinary cleanliness, and a sincere desire to better the condition of those (especially the young) under her care.'

"The wife herself stated 'that the selection of her husband had excited great displeasure, because it was considered that none but a parishioner ought to have been appointed.'

The statement of Mr. Richard Gregory, of Spitalfields, is characteristic of the circumstances under

which the permanent officers are frequently appointed in the town parishes:—

“‘Might not paid and responsible officers be elected by the parishioners? He answers, No; I think you would never get such offices well filled, unless it was by accident. The people have no conception of what sort of men are requisite to perform properly the duties of a parish officer. If such a situation were vacant, what sort of a man would apply for it? Why, some decayed tradesman; some man who had got a very large family, and had been ‘unfortunate in business,’ which in ninety-nine cases out of a hundred, means a man who has not had prudence or capacity to manage his own affairs; and this circumstance is usually successful in any canvass for a parish situation to manage the affairs of the public. Men who have before been in office for the parish would obtain a preference. And what sort of men are those who would be likely to be at liberty to accept a vacant situation? The situation of overseer and churchwarden are by some considered situations of dignity, and dignity always attracts fools. I have known numbers of small tradesmen who were attracted by ‘the dignity of the office,’ and succeeded in getting made overseers and churchwardens. Their elevation was their downfall. They have not given their minds to their own business as before. The consequence of this was, that they have lost their business and have been ruined. Now and then a good man of business will be desirous of taking office when he thinks he is slighted, or has had an affront put upon him by being overlooked; but, in general, any man in decent business must know, if he has the brains of a goose, that it will be much better for him, in a pecuniary point of view, to pay the fine than serve. I could name from fifteen to twenty people in our parish, who have been

entirely ruined by being made churchwardens. These would be the people who would succeed best in parochial or district elections; for the people would say of any one of them, "Poor man, he has ruined himself by serving a parish office, and the only remuneration we can give him is to put him in a paid office." This always has been the general course of parish elections, and I have no doubt would always continue to be so. There is infinitely more favouritism in parish appointments than in government appointments. In appointments by the government, there is frequently some notion of fitness; but in the case of parish appointments, fitness is out of the question. When I was the treasurer of the watch department of the parish, I took great interest in the management of the police of the district, and determined to make it efficient. You would conceive that the inhabitants would have been so guided by their own apparent interests, as to get active men appointed, but I had solicitations from some of the first and most respectable houses in the parish to take their old and decayed servants, and put them on the watch. I had also applications from the parish officers to put men upon the watch who were in the workhouse. As I was determined to make the police efficient, I resolutely resisted all these applications.

"It is clear that such officers should be selected as would not be biassed by local interests or partialities. The most fitting persons must often, as in the instances we have cited, be sought for in distant districts, and, *ceteris paribus*, would be preferable to persons within the same districts.

"These premises appear to lead to a conclusion that the Central Board ought to be empowered to appoint the permanent and salaried officers in all parishes, or at least in those which they should incorpo-

rate. But we do not venture such a recommendation ; in the first place, because we doubt the power of a single Board to select a sufficient number of well-qualified persons ; secondly, because such a duty would occupy too much of their time and attention ; and, thirdly, because the patronage, though really a painful incumbrance to them, would be a source of public jealousy. But, believing that, after all, more will depend, as more always has depended, on the administration of the law than on the words of its enactments, and that the good or bad administration will mainly rest on the selection of the inferior administrators, we think that no security for good appointments should be neglected, and no means of preventing the effects of bad appointments overlooked. We think that the first object might be aided, if the commissioners were directed to prescribe some general qualifications, in the absence of which no person should be eligible as a salaried officer, and we think that the number of competent persons who must in time come under their observation would enable them frequently to assist parishes and incorporations by recommending proper candidates ; we also think that they might, to a certain degree, both aid and support the well-disposed, and prevent the continuance in office of improper persons, if they were invested with the power of removing them. Some of the ablest of the permanent officers, who have been examined under the authority of this commission, have urged that they ought to be immediately responsible to the authority whose regulations they are to enforce ; that it ought to be obvious that they really have no discretion, that the rule of duty is inflexible, and that, if they violate or neglect it, suspension or dismissal must be the consequence. If the permanent officers continue responsible only to the annual officers, or to the vestry, a

screen will be interposed between the Central Board and the actual administrators of relief, which will encourage and protect every form of malversation.

*"We recommend, therefore, that the Central Board be directed to state the general qualifications which shall be necessary to candidates for paid offices connected with the relief of the poor, to recommend to parishes and incorporations proper persons to act as paid officers, and to remove any paid officers whom they shall think unfit for their situations."*

In conformity with the recommendation of the commissioners, the following provisions respecting the appointment, removal, &c. of paid officers, are contained in the new act.

*Commissioners may direct Overseers and Guardians to appoint paid Officers for Parishes or Unions; and fix their Duties, and the Mode of Appointment and Dismissal, and the Security; and regulate their Salaries.*

**XLVI.** That it shall be lawful for the said commissioners, as and when they shall see fit, by order under their hands and seal, to direct the overseers or guardians of any parish or union, or of so many parishes or unions as the said commissioners may in such order specify and declare to be united for the purpose only of appointing and paying officers, to appoint such paid officers, with such qualifications as the said commissioners shall think necessary, for superintending or assisting in the administration of the relief and employment of the poor, and for the examining and auditing, allowing or disallowing, of accounts in such parish or union, or united parishes, and otherwise carrying the provisions of this act into execution; and the said commissioners may, and they are hereby empowered to, define and specify and direct the execution of the respective duties of such officers, and the places or limits within which the same shall be performed, and direct the mode of the appointment, and determine the continuance in office or



dismissal of such officers, and the amount and nature of the security to be given by such of the said officers as the said commissioners shall think ought to give security, and, when the said commissioners may see occasion, to regulate the amount of salaries payable to such officers respectively, and the time and mode of payment thereof, and the proportions in which such respective parishes or unions shall contribute to such payment; and such salaries shall be chargeable upon and payable out of the poor-rates of such parish or union, or respective parishes, in the manner and proportions fixed by the said commissioners, and shall be recoverable against the overseers or guardians of such parish or union, or parishes, by all such ways and means as the salaries of assistant overseers or other paid officers of any parish or union are recoverable by law; and all such payments shall be valid, and shall be allowed in the accounts of the overseers or guardians paying the same.

Under section 47, if such officers be in any way concerned in the receipt or distribution of the poor rates, they must account quarterly either to the guardians, or to justices of the peace in their petty sessions.

*Masters of Workhouses and Parish Officers to be under Order of Board, and removeable by them.*

·XLVIII. That the said commissioners may, and they are hereby authorised and empowered, as and when they shall think proper, by order under their hands and seal, either upon or without any suggestion or complaint in that behalf from the overseers or guardians of any parish or union, to remove any master of any workhouse, or assistant overseer, or other paid officer of any parish or union whom they shall deem unfit for or incompetent to discharge the duties of any such office, or who shall at any time refuse or wilfully neglect to obey and carry into effect any of the rules, orders, regulations, or bye-laws of the said commissioners, whether such union shall have been made or such officer ap-

pointed before or after the passing of this act, and to require from time to time the persons competent in that behalf to appoint a fit and proper person in his room ; and that any person so removed shall not be competent to be appointed to or to fill any paid office connected with the relief of the poor in any such parish or union, except with the consent of the said commissioners under their hands and seal : Provided always, that no person shall be eligible to hold any parish office, or have the management of the poor in any way whatever, who shall have been convicted of felony, fraud, or perjury.

By section 96, if such paid officers shall disobey the orders of guardians or justices for executing the provisions of this act, they shall forfeit, for every such offence, any sum not exceeding £5.

And by section 97, if they shall purloin, embezzle, or wilfully waste or misapply, any of the parish goods, &c., they shall forfeit, on conviction, a sum not exceeding £20, and treble the value of such goods.

## XI. EMIGRATION.

We have still to consider a subject (says the Report of the Commissioners), which, though not expressly mentioned in our commission, appears to us within its spirit, and that is,—Emigration.

“Before we examine the expediency of resorting to measures for facilitating emigration, as principal or auxiliary remedies for the evils which we have described, it is necessary to consider the questions, whether there exists in any part of England a population which materially exceeds the actual demand for labour, and whether such an excess is likely to exist, after the measures which we have already recommended shall have been put in force.

“After a system of administration, one of the most unquestionable effects of which is the encouragement and increase of improvident marriages among the labouring class, has prevailed in full vigour for nearly forty years, it is a remarkable proof of the advance of the wealth of this part of the kingdom, that a question should arise as to the existence of a surplus population; and a mere inspection of the comparative account of the numbers of the people, especially in the agricultural districts, at the times of the three last enumerations, would seem to remove any doubt which may have arisen on such a question. Not only had an increase of population, which would have been heretofore deemed extraordinary in a long-settled country, taken place in the manufacturing counties, but the increase has been nearly as rapid in those purely agricultural districts, from which we have received general complaints of a decrease of the capital of the farmer. In the county of Bedford, for instance,

the increase of population has been, in the years ending 1821, 19 per cent; in the years ending 1831, 14 per cent; in Buckinghamshire, 14 and 19 per cent; in Northamptonshire, 15 per cent, and 10 per cent; in Essex, after similar rates for the same periods; and in Cambridgeshire, 20 per cent, and 18 per cent, but some allowance must be made for the rapid increase of the town of Cambridge.

"In the answers to the questions addressed by us to individuals in agricultural districts of the middle, southern, and eastern counties, we find frequent cases stated of a great excess of labourers above the means of employment in the respective parishes. And we find the statement confirmed by the fact of multitudes of able-bodied young men wasting their time on the roads and in gravel-pits at the expense of the rate-payers, who deem it cheaper to pay them for their idleness, than for their labour. The excess, in some districts, of labourers beyond the actual demand, must be taken to be established beyond dispute.

"But in the case of labour, as of commodities, the extent of the demand, as compared with the supply, will depend in some degree on the quality of the article offered. The present state of the administration of the Poor Laws does not allow us to ascertain, in the great majority of parishes we have referred to, what the demand for labour would be, if work were sought for with energy, and performed with diligence. It is to be observed, too, that although not employed, all the population in the parishes which complain of its excess, is at any rate clothed and fed, and the income which maintains an able-bodied pauper in idleness would, if not so expended, be applied directly or indirectly to the employment of labour. It does not necessarily follow, indeed, that the demand for labour which would arise from the saving of the farmer through the diminution of rates, would be felt within

the same parish or district within which the poor rates are now expended, and we have therefore looked with some anxiety to the effect on the demand for labour in those parishes where a reform in the administration of the poor laws has been effected. We have already had to state, among the most gratifying results of this reform, that the dispauperised labourers have found employment, to a greater extent than the most sanguine friend of the change could have anticipated, in the parishes where they were previously relieved as paupers.

“ One of the parishes which we have mentioned among those in which an improved administration of the law has been introduced (Uley) was the seat of an apparently large surplus population, and of a declining manufacture. No circumstances could be conceived apparently less favourable to the absorption of surplus labour. Yet of 1,000 persons who, before the introduction of the reform, were on the parish books (out of a population of 2,641,) and who are now chiefly maintained by their own exertions, few have left the parish; and this statement is supported by a list, showing the actual occupations and present means of support of all who received parish pay before the workhouse was opened. No evidence can be more satisfactory or complete.

“ These results led us to a conviction, that even in the parishes where the greatest surplus above the actual demand exists, it would be rapidly reduced and ultimately disappear, if relief were no longer granted, except in return for actual labour, and subject to the restraints of a workhouse.

“ But no expedient by which the reduction of the surplus labour can be accelerated, and the suffering of the labourer during the progress of the change diminished, should be disregarded; and we are of opinion, that emigration, which has been one of the

most innocent palliatives of the evils of the present system, could be advantageously made available to facilitate the application of the remedies which we have already suggested.

“Numerous instances are stated in our evidence, of emigration at the expense of parishes, and the results have generally been satisfactory; we believe they have been uniformly so, wherever the experiment has been made on a considerable scale. But emigration has hitherto been resorted to under many discouragements and difficulties. The same causes which make those who are dependent on the poor-rates listless in seeking employment at home, render them unwilling to undergo the temporary privations and inconvenience which must attend their settlement in another country. Those persons are generally most forward to emigrate who are least corrupted by the uses of the system of relief. Those are most willing to remain a burthen to their parishes who are most thoroughly profligate and useless.

“The abolition of partial relief will remove the main discouragement to emigration, while it will ascertain the extent to which emigration may be useful; it will increase the disposition to emigrate on the part of those whose emigration is to be desired. We believe, therefore, that in proportion as our other remedies are applied, there will be an increased disposition on the part of parishes to supply the means to paupers desirous of emigrating, if they be enabled by law so to do. *We recommend, therefore, that the vestry of each parish be empowered to order the payment out of the rates raised for the relief of the poor, of the expenses of the emigration of any persons having settlements within such parish, who may be willing to emigrate; provided that the expense of each emigration be raised and paid, within a period to be mentioned in the act. We think it also would be expedient to*

adopt the measures for facilitating and regulating emigration, contained in the bill introduced into the House of Commons in 1831, and to be found (as amended by the committee) in the Parliamentary papers of that session, (No. 358.)

“ We shall propose, that the expenses which any parish shall have defrayed, or contracted to pay, for the removal of any voluntary emigrant, shall, upon the return to England of the emigrant, become a debt due to the overseers for the time being, and shall be recovered by an attachment of any wages to which the debtor may become entitled, as we have before recommended in the case of other expenses incurred on account of a pauper or his family.”

The following are the provisions of the new act on this subject:—

*Power to Owners and Rate-Payers to raise money on Security of Rates for the Purposes of Emigration.*

XLII. That it shall and may be lawful for the rate-payers in any parish, and such of the owners of property therein as shall, in manner hereinbefore mentioned, have required their names to be entered in the rate books of such parishes respectively as entitled to vote as owners, assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place of holding such meeting, and the purpose for which the same is intended to be held, shall have been given in like manner as notices of vestry meetings are published and given, to direct that such sum or sums of money not exceeding half the average yearly rate for the three preceding years, as the said owners and rate-payers so assembled at such meeting may think proper, shall be raised or borrowed as a fund, or in aid of any fund or contribution for defraying the expenses of the emigration of poor persons having settlements in such parish, and willing to emigrate, to be paid out of or charged upon the rates raised or to be raised for the

relief of the poor in such parish, and to be applied under and according to such rules, orders, and regulations as the said commissioners shall in that behalf direct: Provided always, that no such direction for raising money for such purpose as aforesaid shall have any force or effect unless and until confirmed by the said commissioners, and that the time to be limited for the repayment of any sum so charged on such rates as aforesaid, shall in no case exceed the period of five years from the time of borrowing the same: Provided also, that all sums of money so raised as last hereinbefore mentioned, and advanced by way of loan, for the purposes of emigration, or such proportion thereof as the said commissioners shall by any rule, order, or regulation from time to time direct, shall be recoverable against any such person, being the age of twenty-one years, who or whose family, or any part thereof, having consented to emigrate, shall refuse to emigrate after such expenses shall have been so incurred, or having emigrated shall return, in such and the like manner as is hereinbefore provided with respect to relief, or the cost price of relief, given or considered to be given by way of loan to any person, his wife or family.

*Overseers may apply to Commissioners of Exchequer Bills under the Act of 57 Geo. 3, c. 34, for Advance of Money.*

LXIII. That where it shall be lawful, under the provisions of any of the herein-recited acts, or of any local act, or of this act, to raise or borrow any sum or sums of money for the purpose of purchasing, building, altering, or enlarging any workhouse or workhouses in any parish or union, or for purchasing land whereon to build the same, or for defraying the expenses of the emigration of poor persons having settlements in any parish, and being willing to emigrate, it shall be lawful for the overseers or guardians of such parish or union, with the consent of the said commissioners, to be testified under their hands and seal, to make application for an advance of any sum necessary for any such purposes,



to the commissioners appointed under an act made and passed in the 57th of King George the Third, intituled "An Act to authorize the issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned," and of any act or acts passed for amending or continuing the same; and the said exchequer loan commissioners are hereby empowered to make such advances, upon any such application as aforesaid, upon the security of the rates for the relief of the poor in such parish or union, and without requiring any further or other security than a charge on such rates.

## XII.—PAROCHIAL CONTRACTS.

With respect to such contracts, the Report of the Commissioners states, "the alteration of some portions of the existing law concerning contracts for the supply of food and other necessaries to the work-houses, will be requisite to protect the public from continual jobbing, fraud, and mismanagement. The extensive prevalence of these evils is indicated, not only by direct testimony, but by the recurrence, in the answers to the circulated query as to the propriety of giving relief in kind, of apprehensions of peculation. Such an alteration is necessary, also, in order to facilitate a change, which in many districts will be more strenuously opposed by the few who will lose, than supported by the many who will gain, by more rigid management.

The statutory provisions relating to parochial contracts, which existed previously to the passing of the new act, were as follow :—

Visitors and guardians might make agreements for the diet and clothing of the poor in the workhouse, subject to a penalty if they themselves supplied such provisions, &c. (23 Geo. 3, cap. 33, ss. 2 & 42).

No contract to be valid unless the contractor were resident in the parish in which the poor were maintained (45 Geo. 3, cap. 54—Repealed by the new act).

Persons having the ordering, management, control, or direction of the poor, are prohibited from entering into contracts for a general supply of goods or provisions for the use of the poor or workhouse, under the penalty of £100. This enactment is contained in the sixth section of the 55 Geo. 3, cap. 137, which provides that no churchwarden, overseer, or other person

in whose hands the collection of the poor-rates, or the management of the poor, shall be placed, or any of them, shall, either in his own name, or in the name of any other person or persons, provide, for his or their own profit, any goods, &c. for the use of any work-house, or the support of the poor of such parish; nor shall be concerned, directly or indirectly, in supplying the same, or in any contract relating thereto, under pain of forfeiting £100, with the full costs of suit: provided, that if it shall happen in any parish, &c. that a person or persons competent to undertake the supply of any such articles, &c. cannot be found within a convenient distance, except some or one of such churchwardens, overseers, &c., in such case it shall be lawful for two or more neighbouring justices, after proof thereof on oath, by certificate under their hands and seals, to permit and suffer any one or more of such churchwardens, &c. to contract for such goods, &c.

No actions for the above penalties will lie if the goods furnished were not so supplied for profit, (3 Barn. & Cress. 8); though fairness of price is no defence. (8 Taunt. 239; 2 Moore, 186.)

Such were the previous enactments relating to parish contracts: the following are the provisions of the new act.

*Contracts not to be valid unless conformable to the Rules of the Commissioners.*

XLIX. That any contract which shall be entered into by or on behalf of any parish or union, for or relating to the maintenance, clothing, lodging, employment, or relief of the poor, or for any other purpose relating to or connected with the general management of the poor, which shall not be made and entered into in conformity with the rules, orders, or regulations of the said commissioners in that behalf in force at the time of making and entering into the same, or otherwise sanctioned by them, shall be voidable, and, if the said commissioners

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shall so direct, shall be null and void ; and all payments made under or in pursuance of any contract not made and entered into in conformity with such rules, orders, or regulations, at any period after the said commissioners shall have declared the same to be null and void as aforesaid, shall be disallowed in passing the accounts of the overseer, guardian, or other officer by whom such payments shall have been made.

#### *Repeal of 45 Geo. 3, c. 54, as to Contracts.*

L. That from and after the passing of this act, a certain act made and passed in the 45th year of Geo. III., intituled "An Act to amend an Act made in the 9th year of King George the First, for amending the laws relating to the Settlement, Employment, and Relief of the Poor, so far as the same respects Contracts to be entered into for the Maintenance and Employment of the Poor," shall be and the same is hereby repealed : Provided always, that nothing in this act contained shall extend or be construed to extend, to affect or make void any bond or other security which shall have been entered into or given before the passing of this act, under or in pursuance of the provisions of the said act hereby repealed.

#### *The Penalty imposed by 55 Geo. 3. c. 137, on Persons having the management of the Poor being concerned in any Contract, extended to Persons appointed under this Act.*

LI. That so much of a certain act made and passed in the 55th year of George the Third, intituled "An Act to prevent Poor Persons in Workhouses from embezzling certain property provided for their use ; to alter and amend so much of an Act of the 36th year of his present majesty as restrains justices of the peace from ordering relief to Poor Persons in certain cases for a longer period than one month at a time ; and for other purposes therein mentioned, relating to the Poor," as inflicts a penalty on persons having the management

of the poor, if concerned in providing or in any contract for the supply of any goods, materials, or provisions for the use of any workhouse or workhouses, or otherwise for the support or maintenance of the poor for their own profit, and all remedies for the recovery of such penalties, shall apply and the same are hereby extended and made applicable to every commissioner, assistant commissioner, guardian, treasurer, master of a workhouse, or other officer to be appointed under the provisions of this act.

### XIII. MISCELLANEOUS.

#### 1. PENALTIES, &c.

For the penalties for introducing spirits into Workhouses, see Sections 91, 92, and 93, under the head of **WORKHOUSES and WORKHOUSE REGULATIONS.**

For the penalty on Master of Workhouse for not causing fair copies of sections 92 and 93 of the act (relating to spirituous liquors) to be hung up in workhouse, see Section 94, under the head of **WORKHOUSES and WORKHOUSE REGULATIONS.**

#### *Penalties on Overseers and other Officers disobeying Guardians.*

XCV. That in case any overseer, assistant overseer, master of a workhouse, or other officer of any parish or union, shall wilfully disobey the legal and reasonable orders of such justices and guardians in carrying the rules, orders, and regulations of the said commissioners or assistant commissioners, or the provisions of this act, into execution, every such offender shall, upon conviction before any two justices, forfeit and pay for every such offence any sum not exceeding five pounds.

As to overseers disobeying illegal orders of guardians or justices, see Section 96, Title **OVERSEERS.**

#### *Penalty on Overseers, &c. purloining, &c. Goods, &c., £20, and Treble the Value of Goods purloined.*

XCVII. That if any overseer, assistant overseer, master of a workhouse, or other paid officer, or any other person employed by or under the authority of the said guardians, shall purloin, embezzle, or wilfully waste or misapply any of the monies, goods, or chattels belonging to any parish or union, every such offender shall, besides and in addition to such pains and penalties as

such person so offending shall, independently of this act, be liable to, upon conviction before any two justices, forfeit and pay for every such offence any sum not exceeding twenty pounds, and also treble the amount or value of such money, goods, or chattels so purloined, embezzled, wasted, or misapplied; and every person so convicted shall be for ever thereafter incapable of serving any office under the provisions of this or any other act in relation to the relief of the poor.

*Penalty on Persons wilfully disobeying Rules, Orders, and Regulations.*

**XCVIII.** That in case any person shall wilfully neglect or disobey any of the rules, orders, or regulations of the said commissioners or assistant commissioners, or be guilty of any contempt of the said commissioners sitting as a board, such person shall, upon conviction before any two justices, forfeit and pay for the first offence any sum not exceeding five pounds, for the second offence any sum not exceeding twenty pounds nor less than five pounds, and in the event of such person being convicted a third time, such third and every subsequent offence shall be deemed a misdemeanor, and such offender shall be liable to be indicted for the same offence, and shall on conviction pay such fine, not being less than twenty pounds, and suffer such imprisonment, with or without hard labour, as may be awarded against him by the court by or before which he shall be tried and convicted.

*Forfeitures, Costs, and Charges, may be levied by Distress and Sale,--in what Manner to be applied.*

**XCIX.** That all penalties and forfeitures by this act inflicted or authorized to be imposed for any offence against the same shall, upon proof and conviction of the offences respectively before any two justices, either by the confession of the party offending, or by the oath of any credible witness or witnesses, (which oath such justices are in every case hereby fully authorized to ad-

minister,) or upon order made as aforesaid, be levied, together with the costs attending the information, summons, and conviction, by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, by warrant under the hands of the justices before whom the party may have been convicted, or, on proof of such conviction, by a warrant under the hands of any two justices acting for the county, riding, or division (which warrant such justices are hereby empowered and required to grant); and the overplus (if any), after such penalties and forfeitures, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and in case such fines, penalties, and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justices as aforesaid to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such justices as aforesaid, for his or their appearance before such justices on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than seven days from the time of taking any such security, and which security the said justices as aforesaid are hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such justices as aforesaid, as the case may be, and they are hereby authorized and required, by warrant or warrants under their hands, to cause such offender or offenders to be committed to the common gaol or house of correction of the county, riding, or place where the offender shall be or reside, there to remain, without bail or main-prize, for any term not exceeding three calendar months, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied; and the penalties and forfeitures, when so



levied, shall be paid to or for the use of the parish or union where such offence shall have been committed, to be applied in aid of the poor-rate of such parish or union.

*Owners, Rate-Payers, &c. to be competent Witnesses.*

C. That no owner of property, rate-payer, or inhabitant of any parish or union shall be deemed an incompetent witness for the recovery of penalties, &c. under this act, notwithstanding such penalties shall be applicable in aid of the poor-rate of such parish, &c.

*Commissioners and Justices may proceed by Summons for the Recovery of Penalties.*

CI, That in all cases in which any penalty or forfeiture is recoverable before the justices of the peace under this act, it shall be lawful for any commissioner or assistant commissioner, or any justice, to whom complaint in writing shall be made of any such offence, to summon the party complained against to appear before any two justices, who may hear and determine the matter of such complaint, and on proof of the offence, convict the offender, and adjudge him to pay the penalty incurred, and proceed to recover the same.

## 2. ACTIONS AND APPEALS.

*Satisfaction recoverable for Special Damage.—Distress not unlawful for want of form in the Proceedings.—Plaintiff not to recover if Tender of sufficient Amends be made.*

CII, That where any distress shall be made for any sum of money to be levied by virtue of this act, the distress itself shall not be deemed unlawful, nor the party making the same a trespasser, on account of any default or want of form in any proceedings relating thereto, nor shall the party distraining be deemed a trespasser, *ab initio*, on account of any irregularity which shall afterwards happen in making the distress; but the per-

son aggrieved by such irregularity may recover full satisfaction for the special damage, in an action on the case : Provided always, that no plaintiff shall recover in any action for any irregularity, trespass, or wrongful proceedings, if tender of sufficient amends be made, by or on behalf of the party who shall have committed or caused any such irregularity, &c. before such action shall have been brought ; and in case no such tender be made, it shall be lawful for the defendant in any such action, by leave of the court, at any time before issue joined, to pay into court such sum of money as he shall see fit, whereupon such proceedings, or orders and judgment, shall be had, made, and given in and by such court as in other actions where the defendant is allowed to pay money into court.

*Appeal to the Quarter Sessions against Order of Justices for Penalties, or in Bastardy Cases.—Notice of Appeal and Recognizances.*

CIII. That if any person shall feel aggrieved by any order or conviction of any justice or justices, where such person shall be convicted in any penalty or penalties exceeding £5, or if any person shall feel aggrieved by any order made under this act, on such person as the putative father of any bastard child, it shall be lawful for such person to appeal to any general or quarter sessions for the county, &c. in which such order shall have been made, or conviction taken place, within four calendar months after the cause of complaint; or if such sessions shall be held before the expiration of one calendar month after the cause of complaint, then such appeal shall be made to the next following sessions, either of which court of sessions is empowered to hear and finally determine the matter of such appeal, and to make such order therein as to them shall seem meet ; which order shall be final and conclusive ; provided, that the appellant shall give at least fourteen days' notice in writing of the intention to appeal and of the cause thereof, to the respondent, and within five days after such notice, shall enter into a recognizance before

some justice of the peace, with sufficient securities, to try such appeal at the next general sessions, or quarter sessions, and to abide the order of, and pay such costs as shall be awarded by, the justices there assembled, who, upon hearing the matter of appeal, shall award such costs to the party appealing or appealed against as they shall think proper—their determination to be conclusive and binding on all parties.

*Limitation of Actions against Commissioners, &c.—Where such Actions shall be brought and tried.—Defendant's Plea.—Costs.*

CIV. That no action or suit shall be commenced against any commissioner, assistant commissioner, or any other person for any thing done under this act, until twenty-one days' notice in writing has been given of such intended action, nor after sufficient satisfaction or tender thereof shall have been made to the party aggrieved, nor after three calendar months after the act committed; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other county or place; and the defendant in such action may plead the general issue, and give this act and any special matter in evidence at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this act; or if it shall appear that such action or suit was brought before twenty-one days' notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid, or if any action or suit shall not be commenced within the time before limited, or shall be laid in any other county than as aforesaid, then the jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if, upon any demurrer in such action, judgment shall be given for the defendant therein, then and in any of the cases aforesaid such defendant shall have costs, charges, and expenses as between attorney and client, and shall have such remedy

for recovering the same as any defendant may have for his or her costs in any other case by law.

*Rules, &c. to be removable by Certiorari to Court of King's Bench.—Rules, &c. so removed to continue in full force until declared illegal.*

CV. That no rule, order, or regulation of the said commissioners or assistant commissioners, or any of them, shall be removed or removable by writ of certiorari into any court of record, except his majesty's court of King's Bench at Westminster; and that every rule, order, or regulation which shall be removed by writ of certiorari into the said court of King's Bench shall nevertheless, unless and until the same shall be declared illegal by that court, continue in full force and virtue, and be obeyed, performed, and enforced, in such and the same manner, and by such and the same ways and means, as if the same had not been so removed.

*Notice to be given to Commissioners of Application for Writ of Certiorari, &c.—Commissioners may show Cause.*

CVI. That no application shall be made for any writ of certiorari for the removal of any such rule, order, or regulation, except to the judges when sitting in the said court, nor unless notice in writing shall have been left at the office of the said commissioners at least ten days previous to such application being made, and in which notice shall be set forth the name and description of the party by or on behalf of whom and the day on which it is intended to make such application, together with a statement of the grounds thereof; and thereupon it shall be lawful for the said commissioners to show cause in the first instance against such application, and the court may, if it shall so think fit, forthwith proceed to hear and determine the same upon the grounds set forth in such notice.

*Recognizances to be entered into.—If Rule be declared legal, Commissioners to be entitled to Costs.*

**CVII.** That previous to any writ of certiorari being issued the party or parties applying for the same shall enter into a recognizance, with sufficient sureties, before one of his Majesty's justices of the Court of King's Bench, or before a justice of the peace of the county or place in which such person shall reside, in the sum of fifty pounds, with condition to prosecute the same, at his or their costs and charges, with effect, without any wilful or affected delay, and in default thereof, or in the event of such rule, order, or regulation being deemed legal, to pay the said commissioners their full costs, charges, and expenses, to be taxed according to the course of the said Court of King's Bench; and if the said rule, order, or regulation, so removed by the said writ of certiorari into the said Court of King's Bench, shall be declared legal by the said court, the commissioners entitled to such costs, within ten days after demand made of the person or persons who ought to pay the said costs, upon oath made of the making such demand and refusal of payment thereof, may recover the same in the same manner as any penalties and forfeiture are recoverable under this act.

*If Rules are quashed, the same to be notified to Parishes to which such Rules have been directed.—Proviso for existing Contracts.—No person to be answerable until Receipt of Notice.*

**CVIII.** That if, upon the hearing of the application, the court shall order a writ of certiorari to issue for bringing up any such rule, order, or regulation; and the same being brought into court, shall be quashed as illegal, the said commissioners shall forthwith notify the judgment of the court to all unions, parishes, or places to which such rule, order, or regulation shall have been directed, and the same shall from the time of receiving

such notice respectively be deemed and taken to be null and void, to all intents and purposes whatsoever: Provided that such judgment shall not have the effect of annulling any contracts made in pursuance or upon the authority of any such rule, order, or regulation, which at the receipt of such notice respectively shall have been executed by either of the contracting parties: Provided also, that no person shall be liable to be prosecuted, either by indictment or by civil action, for or in respect of any act done by him before the receipt of such notice, under the authority and in pursuance of such rule, order, or regulation.

### 3. TRUST AND CHARITY ESTATES.

*Power to call for, and publish, Accounts of Trust and Charity Estates.*

LXXXV. That it shall be lawful for the said commissioners, from time to time, as they may think fit, to require from all persons in whom any freehold, copyhold, or leasehold estate, or any other property or funds belonging to any parish, and held in trust for or applicable to the relief of the poor, or which may be applied in diminution of the poor rate of such parish, shall be vested, or who shall be in the receipt of the rents, profits, or income of any such estate, property, or funds, a true and detailed account in writing of the place where such estate may be situate, or on what security such other property or funds may be invested, with such details of the rents, profits, and income thereof, and of the appropriation of the same, and of all such other particulars relating thereto, as the said commissioners may direct and require; and such statement, or a true copy thereof, shall, under the regulations of the said commissioners, be open for the inspection of the owners of property and rate-payers in such parish: Provided always, that nothing herein-before contained shall apply to any funds raised from time to time by the voluntary contributions of the inhabitants of any parish,

*Bonds and Securities made pursuant to 22 Geo. 3, c. 83, and Assignments thereof, exempted from Stamp Duty.*

LXXXVII. And whereas, by an act of 22 Geo. 3, intituled "An Act for the better Relief and Employment of the Poor," the visitor and guardian of the poor of any parish, township, or place which shall adopt the provisions of the said recited act, are authorised thereby to borrow money at interest, for the purposes mentioned in the said act, and to secure such money by a charge upon the poors' rate of such parish, township, or place, in sums not exceeding £50 each, in a certain form contained in the schedule to the said act, or to that or to the like effect, and which security is directed and allowed to be assigned by indorsement on the back thereof in a certain form also contained in the said schedule, or to that or the like effect: And whereas doubts have arisen touching the liability of such securities as aforesaid, and the assignments or transfers thereof, to Stamp Duty, and it is expedient to remove the same: Be it therefore enacted and declared, that no bond or other security at any time heretofore or to be at any time hereafter made or entered into in pursuance of the said recited act, nor any assignment or transfer thereof, shall be charged or chargeable with, or be deemed to be or to have been subject or liable to, any stamp duty whatsoever; any thing in any act contained to the contrary thereof notwithstanding.

#### 4. STAMP DUTY.

*Advertisements, &c. not liable to Stamp Duty.*

LXXXVI. That no advertisement inserted by or under the direction of the said commissioners in the London Gazette, or any newspaper, for the purpose of carrying into effect any provisions of this act, nor any mortgage, bond, instrument, or any assignment thereof, given by way of security, in pursuance of the rules, orders, or

regulations of the said commissioners, and conformable thereto, nor any contract or agreement, on appointment of any officer, made or entered into in pursuance of such rules, orders, or regulations, and conformable thereto, nor any other instrument made in pursuance of this act, nor the appointment of any paid officer engaged in the administration of the laws for the relief of the poor, or in the management or collection of the poor rate, shall be charged or chargeable with any stamp duty whatsoever.

### 5. POSTAGE.

*Letters to and from Board of Commissioners to be free of Postage, if sent conformable hereto.—Letters sent under Cover, not relating solely to the Business of the Act, to be transmitted to Post Office to be charged.*

LXXXVIII. That the said commissioners shall and may receive and send by the general post, from and to places within the United Kingdom, all letters and packets relating solely and exclusively to the execution of this act, free from the duty of postage, provided that such letters and packets as shall be sent to the said commissioners be directed to the "Poor Law Commissioners" at their office in London, and that all such letters and packets as shall be sent by the said commissioners shall be in covers, with the words "office of poor law commissioners, pursuant to act of parliament passed in the fifth year of the reign of his majesty King William the Fourth," printed on the same, and be signed on the outside thereof, under such words, with the name of such person as the said commissioners, with the consent of the lords commissioners of the treasury, or any three or more of them, shall authorize and appoint, in his own handwriting, (such name to be from time to time transmitted to the secretaries of the general post office in London and Dublin,) and be sealed with the seal of the said commissioners, and under such other regulations and restrictions as the said lords commissioners, or any three or more of them, shall think



proper and direct ; and the person so to be authorized is hereby strictly forbidden so to subscribe or seal any letter or packet whatever, except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate solely and exclusively to the execution of this act ; and if the person so to be authorized, or any other person, shall send, or cause or permit to be sent, under any such cover, any letter, paper, or writing, or any enclosure, other than what shall relate to the execution of this act, every person so offending shall forfeit and pay the sum of one hundred pounds, and be dismissed from his office ; one moiety of the said penalty to the use of his majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same, to be sued for and recovered in any of his majesty's courts of record at Westminster for offences committed in England, and in any of his majesty's courts of record in Dublin for offences committed in Ireland, and before the sheriff or stewartry court of the shire or stewartry within which the party offending shall reside, or the offence shall be committed, for offences committed in Scotland ; and if any letter, paper, or writing, or other enclosure, shall be sent under cover to the said commissioners, the same not relating solely and exclusively to the execution of this act, they are hereby strictly required and enjoined to transmit the same forthwith to the secretary of the post office in London, with the covers under which the same shall be sent, in order that the contents thereof may be charged with the full rates of postage.

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#### 6. SERVICE OF SUMMONS.

XC. That the leaving of any summons authorized to be issued by any commissioner, assistant commissioner, or justice of the peace, under this act, at the usual or last known place of abode of the party to whom such summons shall be directed, shall in every case be deemed good and sufficient service of such summons.

## 7. INTERPRETATION OF WORDS, &c. IN THE ACT.

CIX. The word *Auditor* to include every person, except justices of the peace, appointed or empowered to audit, &c. accounts of guardians, overseers, &c. *General Rule* to mean any rule relating to the management of the poor, or to this act, addressed by the commissioners to more than one union or parish. *Guardian* to include any visitor, governor, &c. intitled to act as a manager of the poor, or in distributing relief, under any general or local act. *Justice or Justices of the Peace* to include justices of the peace of any county, division of a county, riding, &c. unless otherwise provided by the act. *Oath* to include the affirmation of a Quaker, Separatist, or Moravian. *Orders and Regulations* to include any rule, order, regulation, or bye-law relating to the management or relief of the poor, or to this act, and addressed to any one parish or union, or to any number of parishes which have been constituted a union, or added to a union. *Officer* to extend to any person who shall be employed in any parish or union in carrying this act or the laws for the relief of the poor into execution. *Overseer* to include churchwardens, so far as they are authorized to act as such, assistant overseer, or any other subordinate officer so employed, whether paid or unpaid. *Owner* shall include any person for the time being in the actual occupation of any property rateable to the relief of the poor, and not let to him at rack rent, or any person receiving the rack rent of any such property, either on his own account or as mortgagee, or other incumbrancer in possession; and the words *rack rent* shall be construed to mean any rent which shall not be less than two-thirds of the full improved net annual value of any property. *Parish* shall include any parish, city, borough, town, township, liberty, precinct, vill, village, hamlet, tithing, chapelry, or any other place, or division or district of a place, maintaining its own poor, whether parochial or extra-

parochial; the word *Person* shall be construed to include any body politic, corporate, or collegiate, aggregate or sole, as well as any individual; *Poor* shall be construed to include any pauper or poor or indigent person applying for or receiving relief from the poor rate in England or Wales, or chargeable thereto; the words *Poor Law*, or *Laws for the relief of the Poor*, shall be construed to include every act of parliament for the time being in force, for the relief or management of the poor, or relating to the execution of the same, or the administration of such relief; *Poor Rate* shall be construed to include any rate, rate in aid, mulct, cess, assessment, collection, levy, ley, subscription, or contribution raised, assessed, imposed, levied, collected or disbursed for the relief of the poor in any parish or union; the words *General Quarter Sessions* shall extend to and be construed to include general or quarter sessions, or adjournment thereof, for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, cinque port, or town corporate, unless where otherwise provided by this act; the word *Union* shall be construed to include any number of parishes united for any purpose whatever under the provisions of this act, or incorporated under the said act made and passed in the twenty-second year of his late majesty King George the Third, intituled "An Act for the better Relief and Employment of the Poor," or incorporated for the relief or maintenance of the poor under any local act; the words *United Workhouse* shall be construed to mean and include any workhouse of a union; the word *Vestry* shall be construed to mean any open, customary, or select vestry, or any meeting of inhabitants convened by any notice such as would have been required for the assembling of a meeting in vestry, at which meeting any business relating to the poor or the poor rate shall be transacted or taken into consideration, so far as such business is concerned; the word *Workhouse* shall be construed to include any house in which the poor of any parish or union shall be lodged and maintained, or

any house or building purchased, erected, hired, or used at the expense of the poor rate, by any parish, vestry, guardian, or overseer, for the reception, employment, classification, or relief of any poor person therein, at the expense of such parish; and wherever in this act, in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.



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